

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:	:	
	:	
Kidde-Fenwal, Inc.	:	Docket No. EPCRA-03-2008-0380
400 Main Street	:	
Ashland, MA 01721	:	
Respondent,	:	
	:	
	:	
Kidde Fire Fighting, Inc.	:	
215 North Mildred Street	:	CONSENT AGREEMENT
Ranson, WV 25438	:	
Facility 1,	:	
	:	
	:	
Kidde Fire Fighting, Inc.	:	
351 West 2nd Avenue	:	Proceeding under EPCRA § 325(c),
Ranson, WV 25438	:	42 U.S.C. § 11045(c)
Facility 2.	:	
	:	

CONSENT AGREEMENT

Preliminary Statement

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Kidde-Fenwal, Inc. (“Respondent” or “Kidde-Fenwal”) pursuant to Sections 313 and 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), 42 U.S.C. §§11023 and 11045(c), the regulations implementing EPCRA Section 313, as set forth at 40 C.F.R. Part 372, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Pursuant to 40 C.F.R. Sections 22.13(b) and 22.18(b)(2) and (3), this Consent Agreement and the accompanying Final Order (collectively referred to as the “CAFO”) simultaneously commence and conclude this proceeding to resolve the violations of EPCRA § 313, as alleged herein, by Respondent at its Facilities located at 215 North Mildred Street and 351 West 2nd Avenue, in Ranson, West Virginia.

2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.

3. Except as provided in paragraph 2, above, Respondent neither admits nor denies the specific factual allegations and legal conclusions set forth in this CAFO.

4. Respondent agrees not to contest the jurisdiction of the U.S. Environmental Protection Agency ("EPA") with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this CAFO.

5. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Consent Agreement and any right to appeal the accompanying Final Order.

6. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.

7. Respondent shall bear its own costs and attorney's fees.

Findings of Fact and Conclusions of Law

8. Complainant has determined that Respondent has violated EPCRA Section 313, 42 U.S.C. § 11023. In accordance with the Consolidated Rules of Practice at 40 C.F.R. §§ 22.13(b), 22.18(b)(2) and (3), and 22.14(a)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

- A. Kidde Fire Fighting, Inc. did business in West Virginia in 2006. Kidde Fire Fighting, Inc. subsequently was merged into Kidde-Fenwal, Inc.. For relevant periods in 2007, the facilities where Kidde Fire Fighting, Inc. had done business in West Virginia were owned by Kidde-Fenwal, Inc., a corporation incorporated under the laws of the State of Delaware. As a Delaware corporation, Respondent is a "person" as defined in Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), at the time the violation took place.
- B. Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3 define "facility" to mean, in relevant part, all buildings, equipment, structures, and other stationary items that are located on a single site and that are owned or operated by the same person.
- C. Respondent owned, at the time of the violations alleged herein, two advanced fire fighting products and systems plants located at 215 North Mildred Street, Ranson, West Virginia ("Facility 1") and 351 West 2nd Avenue, Ranson, West Virginia ("Facility 2"). Both Facilities ceased operations by about June 2006 and are closed.

- D. Respondent's Facilities are each a "facility" as defined in Section 329(4) of EPCRA and 40 C.F.R. § 372.3.
- E. Section 313 of EPCRA and 40 C.F.R. § 372 require, *inter alia*, that the owner or operator of a facility that: (1) has 10 or more employees; (2) has a primary Standard Industrial Classification ("SIC") code (as in effect on July 1, 1985) between codes 20 and 39; and (3) manufactures, processes or otherwise uses a toxic chemical listed in 40 C.F.R. § 372.65, in excess of the threshold quantities set forth in Section 313(f) of EPCRA, 42 U.S.C. Section 11023(f), during the calendar year for which the form is required, to complete and submit a toxic chemical release form ("Form R") or appropriate alternative threshold report ("Form A") for each such toxic chemical to EPA and the state in which the facility is located, by July 1 of the following calendar year.
- F. Section 313(g) of EPCRA, 42 U.S.C. § 11023(g), and 40 C.F.R. § 372.85(b) require the owner or operator of the facility to accurately report its releases of toxic chemicals based upon reasonable estimates using data available to the preparer of the report on Form R or Form A.
- G. At relevant times, Respondent employed at each Facility 10 or more full-time employees, as defined in 40 C.F.R. § 372.3.
- H. At the time of the violations alleged herein, Facility 1 had a Primary SIC code of 3366 and Facility 2 had a Primary SIC code of 3494. These SIC codes fall between the primary SIC codes of 20 (2000) and 39 (3900) (as in effect on July 1, 1985).
- I. For each toxic chemical listed in 40 C.F.R. § 372.65 that is manufactured, processed, or otherwise used by Respondent at its Facilities in excess of the threshold quantity set forth in Section 313(f) of EPCRA during any calendar year, Respondent was required by EPCRA § 313, at all times relevant to this Consent Agreement, to complete and submit to EPA and the State of West Virginia either a Form R or Form A by July 1 of the following calendar year.
- J. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), provides that any person who violates EPCRA § 313 shall be liable to the United States for a civil penalty.
- K. UTC Fire & Security Corporation, a corporate relative to Kidde-Fenwal that assisted Kidde Fire Fighting, Inc. and Kidde-Fenwal, Inc. with their health and safety programs at the Facilities in 2006 and 2007, on behalf of

Kidde-Fenwal, self-disclosed violations of EPCRA § 313 in its November 28, 2007 letter to EPA, pursuant to EPA's policy entitled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," ("Self-Disclosure Policy") 65 Fed. Reg. 19618 (April 11, 2000).

- L. Respondent disclosed that it failed to submit its Form Rs to the EPA and the State of West Virginia by the July 1, 2007 deadline for calendar year 2006. Respondent filed the Form Rs after the July 1, 2007 deadline.
- M. EPA evaluated the November 28, 2007 letter and subsequent correspondence and determined that the disclosure did not satisfy certain criteria of the Self-Disclosure Policy to qualify for penalty mitigation under that policy. Specifically, the disclosure did not satisfy criterion 1 in that the violations were not discovered systematically; criterion 2 and 4, in that the discovery was not made independently of the federal, state or local government or a third-party plaintiff; and criterion 7, in that closely related violations had occurred at Facility 2 within three years prior to the submittal of the November 28, 2007 letter to EPA.

COUNT I

- N. The allegations contained in Paragraphs 8.A through 8.M of this CAFO are incorporated here by reference as if fully set forth at length.
- O. The chemical substance "copper" is a "toxic chemical" as defined in EPCRA § 313(c) and (d), 42 U.S.C. § 11023(c) and (d), and 40 C.F.R. § 372.3, and is listed in 40 C.F.R. § 372.65
- P. During calendar year 2006, Kidde Fire Fighting, Inc. processed copper contained in a brass alloy at Facility 1.
- Q. During the calendar year 2006, the amount of copper processed by Kidde Fire Fighting, Inc. at Facility 1 exceeded the 25,000-pound threshold quantity for reporting set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), as the term "process" is defined in EPCRA Section 313(b)(1)(C)(ii), 42 U.S.C. § 11023(b)(1)(C)(ii), and 40 C.F.R. § 372.3.
- R. Pursuant to EPCRA Section 313, Respondent was required to submit to EPA and the State of West Virginia by July 1, 2007 a completed Form R or Form A to report reasonable estimates of its copper releases, based on available data, from Facility 1 during calendar year 2006.

- S. Respondent failed to submit to EPA and the State of West Virginia, on or before July 1, 2007, a completed Form R or Form A for copper releases from Facility 1 during calendar year 2006.
- T. Respondent's failure to submit a completed Form R or Form A for copper released at Facility 1 during calendar year 2006 constitutes a violation of Section 313 of EPCRA, for which Respondent is liable for a civil penalty pursuant to EPCRA § 325(c).

COUNT II

- U. The allegations contained in Paragraphs 8.A through 8.T of this CAFO are incorporated here by reference as if fully set forth at length.
- V. The chemical substance "lead" is a "toxic chemical" as defined in EPCRA Section 313(c) and (d), 42 U.S.C. § 11023(c) and (d), and 40 C.F.R. § 372.3, and is listed in 40 C.F.R. § 372.65.
- W. During calendar year 2006, Kidde Fire Fighting, Inc. processed lead contained in a brass alloy at Facility 1.
- X. During the calendar year 2006, the amount of lead processed by Kidde Fire Fighting at Facility 1 exceeded the 25,000-pound threshold quantity for reporting set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), as the term "process" is defined in EPCRA Section 313(b)(1)(C)(ii), 42 U.S.C. § 11023(b)(1)(C)(ii), and 40 C.F.R. § 372.3.
- Y. Pursuant to EPCRA § 313, Respondent was required to submit to EPA and the State of West Virginia by July 1 of the following calendar year a completed Form R or Form A to report reasonable estimates of the lead releases, based on available data, from Facility 1 during calendar year 2006.
- Z. Respondent failed to submit to EPA and the State of West Virginia, on or before July 1 of 2007, a completed Form R or Form A for releases of lead from Facility 1 during calendar year 2006.
- AA. Respondent's failure to submit completed Form R or Form A for lead released at Facility 1 during calendar year 2006 constitutes a violation of Section 313 of EPCRA, for which Respondent is liable for a civil penalty pursuant to EPCRA § 325(c).

COUNT III

- BB. The allegations contained in Paragraphs 8.A through 8.AA of this CAFO are incorporated here by reference as if fully set forth at length.
- CC. The chemical substance “copper” is a “toxic chemical” as defined in EPCRA Section 313(c) and (d), 42 U.S.C. § 11023(c) and (d), and 40 C.F.R. § 372.3, and is listed in 40 C.F.R. § 372.65.
- DD. During calendar year 2006, Kidde Fire Fighting, Inc. processed copper contained in a brass alloy at Facility 2.
- EE. During the calendar year 2006, the amount of copper processed by Kidde Fire Fighting, Inc. at Facility 2 exceeded the 25,000-pound threshold quantity for reporting set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), as the term “process” is defined in EPCRA Section 313(b)(1)(C)(ii), 42 U.S.C. § 11023(b)(1)(C)(ii), and 40 C.F.R. § 372.3.
- FF. Pursuant to EPCRA Section 313, Respondent was required to submit to EPA and the State of West Virginia by July 1, 2007 a completed Form R or Form A to report reasonable estimates of its copper releases, based on available data, from Facility 2 during calendar year 2006.
- GG. Respondent failed to submit to EPA and the State of West Virginia, on or before July 1, 2007, a completed Form R or Form A for releases of copper from Facility 2 during calendar year 2006.
- HH. Respondent’s failure to submit a completed Form R or Form A for copper released at Facility 2 during calendar year 2006 constitutes a violation of Section 313 of EPCRA, for which Respondent is liable for a civil penalty pursuant to EPCRA § 325(c).

COUNT IV

- II. The allegations contained in Paragraphs 8.A through 8.HH of this CAFO are incorporated here by reference as if fully set forth at length.
- JJ. The chemical substance “lead” is a “toxic chemical” as defined in EPCRA Section 313(c) and (d), 42 U.S.C. § 11023(c) and (d), and 40 C.F.R. § 372.3, and is listed in 40 C.F.R. § 372.65.

- KK. During calendar year 2006, Kidde Fire Fighting, Inc. processed lead contained in a brass alloy at Facility 2.
- LL. During the calendar year 2006, the amount of lead processed by Kidde Fire Fighting at Facility 2 exceeded the 25,000-pound threshold quantity for reporting set forth in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), as the term “process” is defined in EPCRA Section 313(b)(1)(C)(ii), 42 U.S.C. § 11023(b)(1)(C)(ii), and 40 C.F.R. § 372.3.
- MM. Pursuant to EPCRA § 313, Respondent was required to submit to EPA and the State of West Virginia by July 1 of the following calendar year a completed Form R or Form A to report reasonable estimates of the lead releases, based on available data, from Facility 2 during calendar year 2006.
- NN. Respondent failed to submit to EPA and the State of West Virginia, on or before July 1 of 2007, a completed Form R or Form A for releases of lead from Facility 2 during calendar year 2006.
- OO. Respondent’s failure to submit completed Form R or Form A for lead released at Facility 2 during calendar year 2006 constitutes a violation of Section 313 of EPCRA, for which Respondent is liable for a civil penalty pursuant to EPCRA § 325(c).

Civil Penalty

9. To resolve EPA’s claim for civil monetary penalties for the violations cited above, Respondent consents to the assessment of a civil penalty of Twenty-Four Thousand, Nine Hundred, and Twenty-Three Dollars (\$24,923.00), which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent’s receipt of a true and correct copy of this CAFO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.

10. The aforesaid settlement amount is based upon Complainant’s consideration of a number of factors, including, but not limited to, the particular facts and circumstances of this case and EPA’s *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-know Act (1986)* (August 10, 1982) and the *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations*, 65 Fed. Reg. 19618 (April 11, 2000). The settlement in this proceeding is consistent with the provisions and objectives of EPCRA and 40 C.F.R. Part 372.

11. EPA hereby agrees and acknowledges that the settlement of the proposed penalty as set forth above shall be a full and final satisfaction of all civil claims for penalties which Complainant may have under Section 313 of EPCRA for the violations alleged in the Consent Agreement.

12. Payment of the civil penalty amount required under the terms of Paragraph 9, above, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- A. All payments by Respondent shall reference its name and address and the Docket Number of this action (EPCRA-03-2008-0380).
- B. All checks shall be made payable to "**United States Treasury.**"
- C. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

Contact: Natalie Pearson, 314-418-4087

- D. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency–Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Natalie Pearson, 314-418-4087

- E. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

- F. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact: Jesse White, 301-887-6548

ABA = 051036706
Transaction Code 22 - Checking
Environmental Protection Agency
Account 310006
CTX Format

- G. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

- H. The customer service phone numbers for the above payment centers are:

212-720-5000 (wire transfers, Federal Reserve Bank of New York)
800-762-4224 (ACH/Wire Info, PNC Bank)

Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment_cin.htm

1. At the same time that payment is made, Respondents shall mail copies of any corresponding check, or written notification confirming any electronic wire transfer to:

Ms. Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Suzanne M. Parent
Senior Assistant Regional Counsel
Office of Regional Counsel (3RC44)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

All payments by Respondent shall reference its name and address and the Docket Number of this action (EPCRA-03-2008-0380).

13. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. See 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days that the penalty remains unpaid.

A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. See 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. See 31 C.F.R. § 901.9(d).

14. Respondent agrees not to deduct for federal taxation purposes the civil penalty paid pursuant to this CAFO.

Certifications

15. The individual who signs this Consent Agreement on behalf of Respondent certifies that the Facilities referred to in this Consent Agreement are currently in compliance with all applicable requirements of EPCRA Section 313.

Other Applicable Laws

16. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations.

Reservation of Rights

17. This Consent Agreement and the accompanying Final Order resolve only the civil claims for the specific violations alleged in this CAFO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under EPCRA and the regulations promulgated thereunder, to enforce the provisions of this CAFO and any other federal laws or regulations for which EPA has jurisdiction, following the filing of this CAFO with the Regional Hearing Clerk.

Full and Final Satisfaction

18. Payment of the penalty specified in paragraph 9, above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have under Section 325 of EPCRA for the specific violations alleged in paragraphs 8.A through 8.OO, above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA.

Parties Bound

19. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents, and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

Effective Date

20. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his designee, the Regional Judicial Officer, is filed with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

Entire Agreement

21. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the specific violations alleged herein, and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

For Respondent:

Kidde-Fenwal, Inc.

Date: _____

By: _____
John Sullivan
President

For Complainant:

**U.S. Environmental Protection Agency
Region III**

Date: _____

By: _____
Suzanne M. Parent
Senior Assistant Regional Counsel
U.S. EPA Region III

Accordingly, I hereby recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

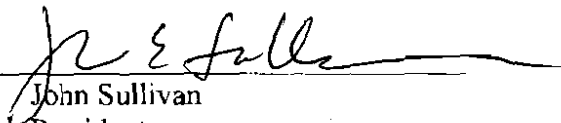
Date: _____

By: _____
Abraham Ferdas, Director
Land and Chemicals Division
(formerly the Waste and Chemicals
Management Division)
U.S. EPA Region III

For Respondent:

Kidde-Fenwal, Inc.

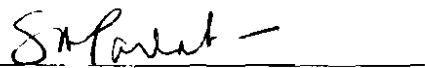
Date: 9.15.08

By: 
John Sullivan
President

For Complainant:



**U.S. Environmental Protection Agency
Region III**

Date: 9/18/08

By: 
Suzanne M. Parent
Senior Assistant Regional Counsel
U.S. EPA Region III.

Accordingly, I hereby recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 9/19/08

By: 
Abraham Ferdas, Director
 Land and Chemicals Division
(formerly the Waste and Chemicals
Management Division)
U.S. EPA Region III

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:	:	
	:	
Kidde-Fenwal, Inc.	:	Docket No. EPCRA-03-2008-0380
400 Main Street	:	
Ashland, MA 01721	:	
Respondent,	:	
	:	
	:	
Kidde Fire Fighting Plant	:	
215 North Mildred Street	:	FINAL ORDER
Ranson, WV 25438	:	
Facility 1,	:	
	:	
	:	
	:	
Kidde Fire Fighting Plant	:	Proceeding under EPCRA § 325(c),
351 West 2nd Avenue	:	42 U.S.C. § 11045(c)
Ranson, WV 25438	:	
Facility 2.	:	

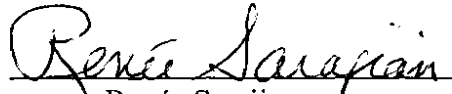
FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Kidde-Fenwal, Inc., have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the Consolidated Rules of Practice and Section 325(c) of the Emergency Planning and Community Right-to-know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045(c), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-know Act (1986)* (August 10, 1992). IT IS HEREBY ORDERED that Respondent pay a civil penalty of Twenty-Four Thousand, Nine Hundred, and Twenty-Three Dollars ("\$24, 923.00"), and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: 9/24/08



Renée Sarajian
Regional Judicial Officer
U.S. EPA Region III

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below I caused the original CONSENT AGREEMENT AND FINAL ORDER *In the Matter of: Kidde-Fenwal, Inc.*, Docket No. EPCRA-03-2008-0380, and a memo from Mr. William C. Early and Mr. Abraham Ferdas transmitting the Agreement and Order to the Regional Judicial Officer, to be hand-delivered to the Regional Hearing Clerk, EPA Region III, and true and correct copies to be sent in the manner specified below to the following individual:

Overnight Delivery: Alicia M. Perrault, Esq.
UTC Fire & Security
9 Farm Springs Road
Farmington, Connecticut 06032
860/284-3120

9/26/08
Date

Suzanne M. Parent
Suzanne M. Parent
Senior Assistant Regional Counsel
EPA Region III (3RC44)
1650 Arch St.
Philadelphia, PA 19103-2029
215/814-2630