



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

JAN 31 2007

REPLY TO THE ATTENTION OF:

DT-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0198 4470

Bhagvan K. Vaghani, President
Alpha Circuit Corporation
730 Oaklawn Avenue
Elmhurst, Illinois 60126

Consent Agreement and Final Order, Docket No. EPCRA-05-2007-0008

Dear Mr. Vaghani:

I have enclosed an original signed copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on January 31, 2007 with the Regional Hearing Clerk.

The civil penalty in the amount of \$2,033 is to be paid in the manner prescribed in paragraph 28, 29 and 30. Please be certain that the number **BD** 2750744E006 and the docket number are written on both the transmittal letter and on the check. The payment is due by March 2, 2007.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Anthony Silvasi".

Anthony Silvasi
Pesticides and Toxics Branch

Enclosures

cc: Marcy Toney, Regional Judicial Officer/C-14J (w/Encl.)
Steven Kaiser, ORC/C-14J (w/Encl.)
Eric Volck, USEPA Cincinnati Finance/NWD (w/Encl)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

Alpha Circuit Corporation
730 Oaklawn Avenue
Elmhurst, Illinois 60126

Respondent.

) **Docket No. EPCRA-05-2007-0008**

)
) **Proceeding to Assess a Civil**
) **Penalty under Section 325(c) of the**
) **Emergency Planning and Community**
) **Right-to-Know Act of 1986,**
) **42 U.S.C. § 11045(c)**
)

2007 JUN 21 AM 11:19
REGIONAL OFFICE
FEDERAL CLERK

Consent Agreement and Final Order
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. The Complainant is the Chief of the Pesticides and Toxics Branch, United States Environmental Protection Agency (U.S. EPA), Region 5. The authority to settle this matter has been delegated to the Director of the Waste, Pesticides and Toxics Division, U.S. EPA, Region 5.

3. Respondent is Alpha Circuit Corporation, a corporation doing business in the State of Illinois.

4. 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). See 40 C.F.R. § 22.13(b).

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 entry of this CAFO and the assessment of the specified civil penalty, and agrees to comply with the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Alpha Circuit Corporation admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Alpha Circuit Corporation 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 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 toxic chemicals in amounts in excess of an applicable threshold quantity of those chemicals listed under Section 313(f) of EPCRA and 40 C.F.R. § 372.25 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 U.S. 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 that preceding calendar year.

11. As set forth in Section 313(f) of EPCRA and 40 C.F.R. § 372.25, except as provided in 40 C.F.R. §§ 372.27 and 372.28, the reporting threshold amount for copper compounds, a toxic chemical manufactured or processed at a facility, is 25,000 pounds for calendar years subsequent to and including 1989. The reporting threshold for a toxic chemical otherwise used at a facility is 10,000 pounds for a calendar year subsequent to and including 1987.

12. As set forth in Section 313(f) of EPCRA 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.

13. Under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), the U.S. EPA Administrator may assess a civil penalty of up to \$25,000 per day for each violation of EPCRA Section 313. The Debt Collections Improvements Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$27,500 per day for each violation that occurred from January 31, 1997 through March 15, 2004 and to \$32,500 per day for each violation that occurred after March 15, 2004.

Factual Allegations and Alleged Violations

14. Respondent is a "person" as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

15. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 730 Oaklawn Avenue, Elmhurst, Illinois (facility).

16. 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.

17. Respondent's facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

18. Respondent's facility is a "facility" as that term is defined under section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

19. The facility has a SIC code of 3679, a covered SIC code as defined under Section 313 of EPCRA and 40 C.F.R. § 372.22.

Count 1

20. During calendar year 2005, Respondent's facility manufactured as that term is defined at 40 C.F.R. § 372.3, copper compounds, a chemical category or CAS No. listed under 40 C.F.R. § 372.65, in the amount of 50,113 pounds, which is greater than 25,000 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. § 372.25.

21. Respondent was required to submit to the Administrator of U.S. EPA and to the State of Illinois a Form R or a Form A for copper compounds for calendar year 2005 by July 1, 2006.

22. Respondent submitted Form R for copper compounds to the Administrator of U.S. EPA and to the State of Illinois on July 12, 2006, for calendar year 2005.

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

Count 2

24. 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 777 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. § 372.25(a).

25. Respondent was required to submit to the Administrator of U.S. EPA and to the State of Illinois a Form R or a Form A for lead compounds for calendar year 2005 by July 1, 2006.

26. Respondent submitted Form R for lead to the Administrator of U.S. EPA and to the State of Illinois on July 12, 2006, for calendar year 2005.

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

Civil Penalty

28. In consideration of Respondent's cooperation throughout the investigation, agreement to a prompt settlement and prompt compliance with the EPCRA regulations, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$2,033.00.

29. Within 30 days after the effective date of this CAFO, Respondent must pay a \$2,033.00 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

U.S. EPA, Region 5
P.O. Box 371531
Pittsburgh, PA 15251

The check must note the following: In re: Alpha Circuit Corporation, the docket number of this CAFO and the billing document number.

30. 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-13J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Anthony Silvasi, (DT-8J)
Pesticides and Toxics Enforcement Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Steven P. Kaiser (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

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

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

33. 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, U.S. EPA will assess a six percent per year penalty on any principal amount not paid within 90 days of the date that this CAFO has been entered by the Regional Hearing Clerk.

General Provisions

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

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

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

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

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

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

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

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

Alpha Circuits Corporation, Respondent Docket No. EPCRA-05-2007-0008

By: Bhagvan Vaghani
Bhagvan K. Vaghani, President

Date: 12/26/06

United States Environmental Protection Agency, Complainant

By: Mardi Klevs
Mardi Klevs, Chief
Pesticides and Toxics Branch
Waste, Pesticides and Toxics Division

Date: 1-16-07

By: Margaret M. Guerriero
Margaret M. Guerriero, Director
Waste, Pesticides, and Toxics Division

Date: 1/25/07

RECEIVED
REGIONAL CLERK
JAN 31 11:19


In the Matter of:

Alpha Circuit Corporation
730 Oaklawn Avenue
Elmhurst, Illinois 60126

Docket No. EPCRA-05-2007-0008

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.

By: 
Mary A. Gade
Regional Administrator
United States Environmental Protection Agency
Region 5

Date: 1/29/07

61:11:11 12:11:11
REGIONAL HEARING CLERK
JAN 31 11:11:11

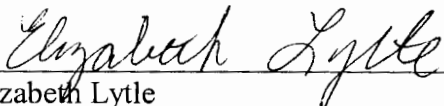
CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Alpha Circuit Corporation, was filed on January 31, 2007, with the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and that I mailed by Certified Mail, Receipt No. 7001 0320 0006 0198 4470, a copy of the original to the Respondents:

Bhagvan K. Vaghani, President
Alpha Circuit Corporation
730 Oaklawn Avenue
Elmhurst, Illinois 60126

and forwarded copies (intra-Agency) to:

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



Elizabeth Lytle
Pesticides and Toxics Branch
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Docket No. **EPCRA-05-2007-0008**

81 :11 MW 1E NOV 2007
REGIONAL HEARING CLERK
EPCRA-05-2007-0008