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REGION III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

IN THE MATTER OF:	:	
	:	Docket No. EPCRA-III-2015-0127
Eagle Brass Company,	:	
currently doing business as	:	
Eagle Metals, Inc.	:	
Respondent,	:	
	:	
Eagle Brass Company	:	Consent Agreement
1243 Old Bernville Road	:	
Leesport, PA 19533-9115,	:	
	:	
Facility.	:	

Preliminary Statement

1. On June 4, 2015, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“Complainant”) issued an Administrative Complaint and Notice of Opportunity for Hearing (“Complaint”) against Eagle Brass Company, (“Respondent”), 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 § 313, as set forth at 40 C.F.R. Part 372. On July 2, 2015, Respondent filed an Answer to the Complaint.
2. This Consent Agreement is entered into by Complainant and Respondent in settlement of EPA’s claims against Respondent for civil penalties under Section 325(c) of EPCRA, 42 U.S.C. § 11045(c) for the violations alleged in the Complaint.
3. For purposes of this proceeding only, Respondent admits the jurisdictional allegations of the Complaint.
4. Respondent neither admits nor denies the Findings of Fact set forth in the Complaint except as provided in Paragraph 3, above.
5. Respondent neither admits nor denies the Conclusions of Law set forth in the Complaint except as provided in Paragraph 3, above.
6. For the purposes of this proceeding only, Respondent hereby expressly waives its right

to a hearing on any issue of law or fact set forth in the Complaint, and any right to appeal the Final Order.

7. The settlement agreed to by the parties in this Consent Agreement reflects the desire of the parties to resolve this matter without continued litigation.
8. Respondent consents to the issuance of this Consent Agreement and to the attached Final Order and agrees to comply with their terms. Respondent agree not to contest Complainant's jurisdiction with respect to execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement thereof.
9. This Consent Agreement and Final Order resolve only EPA's claims for civil penalties for the specific violations alleged in the Complaint. 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 the limitations on the scope of the resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice.
10. EPA reserves any rights and remedies available to it under EPCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Agreement and Final Order, following its filing with the Regional Hearing Clerk. Respondent reserves all available rights and defenses it may have to defend themselves in such action.
11. Nothing in this Consent Agreement shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations.
12. During the pendency of this action, Respondent changed its name to Eagle Metals, Inc. Respondent confirms it has the authority to bind Eagle Metals, Inc. and Eagle Brass Company to the terms of this Consent Agreement.
13. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

EPA's Findings of Fact and Conclusions of Law

14. EPA's Findings of Fact and Conclusions of Law set forth in the Complaint are hereby incorporated into this Consent Agreement as if fully set forth herein.

Civil Penalties

15. Respondent agrees to pay a civil penalty in the amount of **TEN THOUSAND, SIX HUNDRED THIRTY FIVE DOLLARS (\$10,635.00)**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this Consent Agreement and attached Final Order fully executed by the parties. Respondent may avoid the assessment of interest, administrative fees, and late payment penalties described in Paragraphs 17 – 20 below in connection with such civil penalty described in this Paragraph, by paying the entire civil penalty no later than thirty (30) calendar days after the date on which a copy of this Consent Agreement and attached Final Order is mailed or hand-delivered to Respondent.

16. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount is based on a number of factors, including, but not limited to, the facts and circumstances of this case, the statutory factors set forth in EPCRA § 325(b)(1)(C), 42 U.S.C. § 11045(b)(1)(C), 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), April 12, 2001, and other appropriate factors, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties Complainant may have under Sections 313 and 325(c) EPCRA, 42 U.S.C. §§ 11023 and 11045(c), for violations alleged in the Complaint.

Payment Terms

17. 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 as specified herein shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

18. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct 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).

19. The costs of the Agency's administrative handling of overdue debts will be charged and

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 the penalty remains unpaid.

20. A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 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. 31 C.F.R. § 901.9(d).
21. Respondent agrees not to deduct for federal tax purposes the civil monetary penalty assessed in this CAFO.
22. Respondent shall remit the full penalty, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 17 through 20 above, by either cashier's check, certified check, or electronic wire transfer, in the following manner:
 - a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, EPCRA-03-2015-0127;
 - 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 to:

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

Customer service contact: 513-487-2091

- d. All payments made by check and sent by private commercial overnight delivery service shall be addressed for delivery to:

U.S. Environmental Protection Agency
Government Lockbox 979077
Cincinnati Finance Center
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1818

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

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

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 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”

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: 866-234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV/paygov/

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

- i. Additional payment guidance is available at:

<http://www.2epa.gov/financial/makepayment>

- j. At the time of payment, Respondent shall simultaneously send a notice of Payment, including a copy of Respondent's check or electronic fund transfer notice, as applicable, to:

Joyce A. Howell
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

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

Parties Bound

23. This Consent Agreement and the attached Final Order shall apply to and be binding upon the EPA, the Respondent and Respondent's officers, directors (in their official capacities), and Respondent's successors, agents, and assigns. 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.

Entire Agreement

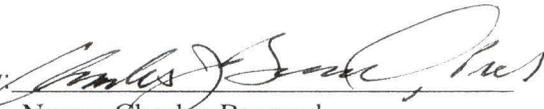
24. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the specific violations alleged in the Complaint and there are no representations, warranties, covenants, terms, or conditions agreed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

Effective Date

25. The effective date of this Consent Agreement and the attached 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.

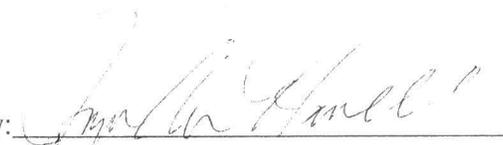
For Respondent, Eagle Brass Company c/b/a Eagle Metals, Inc.:

Date: 2/7/17

By: 
Name: Charles Bernard
Position: President

For Complainant:

Date: 2/17/17

By: 
Joyce A. Howell
Senior Assistant Regional Counsel

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

Date: 02-17-17

By: 
Catherine A. Libertz, Acting Director
Land and Chemicals Division

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: 2.17.17



Cecil A. Rodrigues
Acting Regional Administrator
EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

IN THE MATTER OF: :
: Docket No. EPCRA-III-2015-0127
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: Respondent, :
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1243 Old Bernville Road :
Leesport, PA 19533-9115, :
: Facility. :
_____ :

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CERTIFICATE OF SERVICE

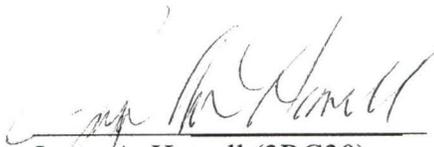
I certify that on the date noted below, I sent by UPS Next Day Delivery, of the filed Consent Agreement and Final Order to the addressee(s) listed below. The original and one copy of the same was filed with eh Regional Hearing Clerk.

Hon. Christine Donelian Coughlin, A.L.J.
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Pennsylvania Avenue, NW
M1200 Washington, DC 20004

Mary Angles
Headquarters Hearing Clerk
Office of Administrative Law Judges
Ronald Reagan Building, Room
1300 Pennsylvania Avenue, NW
Washington, DC 20004.

James E. Gavin, Esq.
Masano Bradley
Suite 201
1100 Berkshire Boulevard
Wyomissing, PA 19610

Dated: February 17, 2017


Joyce A. Howell (3RC30)
Senior Assistant Regional Counsel
EPA Region III
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Philadelphia, PA 19103
Howell.joyce@epa.gov