



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

SEP 05 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7676 9044
RETURN RECEIPT REQUESTED

Mr. Rustin Shields
Revere Plastics Systems, LLC.
401 East Elm Street
Clyde, Ohio 43410

EPCRA-05-2013-0025

Dear Mr. Shields:

I have enclosed the complaint filed by the U.S. Environmental Protection Agency against Revere Plastic Systems, LLC under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. § 11045(c), and a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), at 40 C.F.R. Part 22.

If you would like to request a hearing, you must file an answer to the complaint in which you specifically request a hearing. You must file your answer within 30 days after receiving the complaint with the Regional Hearing Clerk (E-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604 and send a copy to Kris Vezner, Office of Regional Counsel (C-14J), U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Please note that if you do not file an answer to the complaint within 30 days after receiving the complaint, EPA may seek a default order assessing the proposed penalty and the assessed penalty will be due 30 days after the order becomes final.

Whether or not you request a hearing, you may request an informal settlement conference. If you would like to request a conference, or if you have any questions about this matter, please contact Mr. Vezner, Associate Regional Counsel, at (312) 886-8729.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

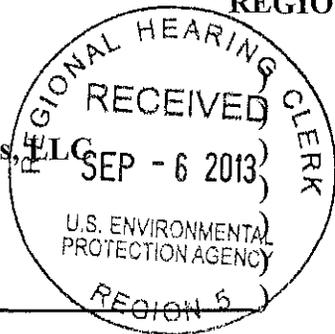
Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Revere Plastics Systems, LLC
Clyde, Ohio,

Respondent.



Docket No. EPCRA-05-2013-0025

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)

Complaint

1. This is an administrative action to assess a civil penalty under Section 325(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(c).
2. Complainant is, by lawful delegation, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is Revere Plastics Systems, LLC, a limited liability company doing business in the State of Ohio.

Statutory and Regulatory Background

4. EPA promulgated the Toxic Chemical Release Reporting Community Right-to-Know Rule at 40 C.F.R. Part 372 pursuant to Sections 313 and 328 of EPCRA, 42 U.S.C. §§ 11023 and 11048.
5. Section 313(b) of EPCRA, 42 U.S.C. § 11023(b), and 40 C.F.R. § 372.22 provide that the requirements of Section 313 and Part 372 apply to any facility that has 10 or more full-time employees, a Standard Industrial Classification (SIC) 3089 and that manufactures, imports, processes, or otherwise uses a toxic chemical identified at Section 313(c) and listed at 40 C.F.R. § 372.65 in an amount that exceeds the threshold for reporting, as set forth in Section 313(f) and in 40 C.F.R. §§ 372.25, 372.27 and 372.28.

6. Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 require the owner or operator of a facility subject to the requirements of Section 313 and Part 372 to complete and submit to the Administrator of EPA and to the state in which the facility is located, no later than July 1, 1988 and each July 1 thereafter, a chemical release form published pursuant to Section 313(g) for each toxic chemical listed under Section 313(c) that was manufactured, processed, or otherwise used at the facility during the preceding calendar year in a quantity exceeding the threshold established by Section 313(f).

7. EPA published the Toxic Chemical Release Inventory Reporting Form, EPA Form 9350-1 (1-88) (Form R) at 40 C.F.R § 372.85 pursuant to Section 313(g) of EPCRA, 42 U.S.C. § 11023(g).

8. All persons required to report pursuant to Section 313(b) must use Form R according to Section 313(a) of EPCRA, 42 U.S.C. § 11023(a).

9. The Administrator of EPA may prescribe regulations as may be necessary to carry out EPCRA. 42 U.S.C. § 11048.

10. Sections 325(c)(1) and (3) of EPCRA, 42 U.S.C. § 11045(c)(1) and (3), authorize the Administrator of EPA to assess a civil penalty of up to \$25,000 per day for each violation of Section 313 of EPCRA, 42 U.S.C. § 11023. 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 that occurred after March 15, 2004 through January 12, 2009 and \$37,500 per day

for each violation of Section 313 that occurred after January 12, 2009, pursuant to Sections 325(c)(1) and (3) of EPCRA, 42 U.S.C. § 11045(c)(1) and (3), and 40 C.F.R. Part 19.

General Allegations

11. Respondent is a limited liability company incorporated in the State of Delaware.

12. Respondent is a “person”, as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

13. Respondent owned or operated a “facility”, as defined by 40 C.F.R. § 372.3, at 401 Elm Street, Clyde, Ohio (Respondent’s facility) during the calendar year 2010.

14. Respondent’s facility consists of buildings, equipment and structures and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned by the same person (or by any person which controls, is controlled by, or under common control with such person).

15. During the calendar year 2010, Respondent employed at Respondent’s facility the equivalent of at least 10 “full-time employees”, as defined by 40 C.F.R. § 372.3, with total paid hours equal to or more than 20,000 hours during that calendar year.

16. During the calendar year 2010, Respondent’s facility was covered by SIC Code 3089.

17. During the calendar year 2010 at Respondent’s facility, Respondent “processed”, as defined by 40 C.F.R. § 372.3, “toxic chemicals”, as defined by 40 C.F.R. § 372.3 and identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65, in quantities exceeding the thresholds for reporting set forth at Section 313(f) and at 40 C.F.R. § 372.25 and 372.28.

18. On or about October 20, 2011, representatives of EPA inspected Respondent's facility.

19. On or about July 3, 2012, EPA issued a Notice of Intent to File a Civil Administrative Complaint to Respondent for alleged violations of EPCRA, 42 U.S.C. § 11045(c), for calendar year 2010.

20. On or about August 23, 2012, Respondent disclosed to EPA additional violations of EPCRA, 42 U.S.C. § 11045(c), for calendar years 2007, 2008 and 2009.

Count I

Failure to timely submit 2007 Form R for decabromodiphenyl oxide

21. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

22. The reporting threshold for a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65 that is processed during the 2007 calendar year is 25,000 pounds. 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25(a).

23. During the 2007 calendar year, Respondent's facility processed 175,301 pounds of decabromodiphenyl oxide, CAS No. 1163-19-5.

24. Decabromodiphenyl oxide is a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

25. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for decabromodiphenyl oxide for the 2007 calendar year on or before July 1, 2008.

26. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for decabromodiphenyl oxide for the 2007 calendar year on or before July 1, 2008.

27. Respondent submitted to the Administrator of EPA a Form R for decabromodiphenyl oxide for the 2007 calendar year on or about August 22, 2012.

28. Respondent's failure to submit timely to the Administrator of EPA a Form R for decabromodiphenyl oxide for the 2007 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count II
Failure to timely submit 2007 Form R for antimony compounds

29. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

30. The reporting threshold for a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65 that is processed during the 2007 calendar year is 25,000 pounds. 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25(a).

31. During the 2007 calendar year, Respondent's facility processed 64,411 pounds of antimony compounds, Chemical Category N010.

32. Antimony compounds are a chemical category identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

33. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for antimony compounds for the 2007 calendar year on or before July 1, 2008.

34. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for antimony compounds for the 2007 calendar year on or before July 1, 2008.

35. Respondent submitted to the Administrator of EPA a Form R for antimony for the 2007 calendar year on or about August 22, 2012.

36. Respondent's failure to submit timely to the Administrator of EPA a Form R for antimony compounds for the 2007 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count III
Failure to timely submit 2007 Form R for lead

37. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

38. The reporting threshold for lead processed during the 2007 calendar year is 100 lbs. 42 U.S.C. § 11023(f) and 40 C.F.R. 372.28.

39. During the 2007 calendar year, Respondent's facility processed 140 pounds of lead, CAS No. 7439-92-1.

40. Lead is a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

41. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for lead for the 2007 calendar year on or before July 1, 2008.

42. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for lead for the 2007 calendar year on or before July 1, 2008.

43. Respondent submitted to the Administrator of EPA a Form R for lead for the 2007 calendar year on or about December 6, 2012.

44. Respondent's failure to submit timely to the Administrator of EPA a Form R for 2007 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count IV
Failure to timely submit 2008 Form R for decabromodiphenyl oxide

45. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

46. The reporting threshold for a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65 that is processed during the 2008 calendar year is 25,000 pounds. 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25(a).

47. During the 2008 calendar year, Respondent's facility processed 186,430 pounds of decabromodiphenyl oxide, CAS No. 1163-19-5.

48. Decabromodiphenyl oxide is a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

49. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for decabromodiphenyl oxide for the 2008 calendar year on or before July 1, 2009.

50. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for decabromodiphenyl oxide for the 2008 calendar year on or before July 1, 2009.

51. Respondent submitted to the Administrator of EPA a Form R for decabromodiphenyl oxide for the 2008 calendar year on or about August 22, 2012.

52. Respondent's failure to submit timely to the Administrator of EPA a Form R for decabromodiphenyl oxide for the 2008 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count V
Failure to timely submit 2008 Form R for antimony compounds

53. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

54. The reporting threshold for a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65 that is processed during the 2008 calendar year is 25,000 pounds. 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25(a).

55. During the 2008 calendar year, Respondent's facility processed 63,259 pounds of antimony compounds, Chemical Category N010.

56. Antimony compounds are a chemical category identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

57. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for antimony compounds for the 2008 calendar year on or before July 1, 2009.

58. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for antimony compounds for the 2008 calendar year on or before July 1, 2009.

59. Respondent submitted to the Administrator of EPA a Form R for antimony for the 2008 calendar year on or about August 22, 2012.

60. Respondent's failure to submit timely to the Administrator of EPA a Form R for antimony compounds for the 2008 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count VI
Failure to timely submit 2008 Form R for lead

61. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

62. The reporting threshold for lead processed during the 2008 calendar year is 100 lbs. 42 U.S.C. § 11023(f) and 40 C.F.R. 372.28.

63. During the 2008 calendar year, Respondent's facility processed 199 pounds of lead, CAS No. 7439-92-1.

64. Lead is a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

65. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for lead for the 2008 calendar year on or before July 1, 2009.

66. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for lead for the 2008 calendar year on or before July 1, 2009.

67. Respondent submitted to the Administrator of EPA a Form R for lead for the 2008 calendar year on or about December 6, 2012.

68. Respondent's failure to submit timely to the Administrator of EPA a Form R for 2008 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count VII
Failure to timely submit 2009 Form R for decabromodiphenyl oxide

69. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

70. The reporting threshold for a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65 that is processed during the 2009 calendar year is 25,000 pounds. 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25(a).

71. During the 2009 calendar year, Respondent's facility processed 204,324 pounds of decabromodiphenyl oxide, CAS No. 1163-19-5.

72. Decabromodiphenyl oxide is a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

73. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for decabromodiphenyl oxide for the 2009 calendar year on or before July 1, 2010.

74. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for decabromodiphenyl oxide for the 2009 calendar year on or before July 1, 2010.

75. Respondent submitted to the Administrator of EPA a Form R for decabromodiphenyl oxide for the 2009 calendar year on or about August 22, 2012.

76. Respondent's failure to submit timely to the Administrator of EPA a Form R for decabromodiphenyl oxide for the 2009 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count VIII
Failure to timely submit 2009 Form R for antimony compounds

77. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

78. The reporting threshold for a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65 that is processed during the 2009 calendar year is 25,000 pounds. 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25(a).

79. During the 2009 calendar year, Respondent's facility processed 70,091 pounds of antimony compounds, Chemical Category N010.

80. Antimony compounds are a chemical category identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

81. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for antimony compounds for the 2009 calendar year on or before July 1, 2010.

82. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for antimony compounds for the 2009 calendar year on or before July 1, 2010.

83. Respondent submitted to the Administrator of EPA a Form R for antimony for the 2009 calendar year on or about August 22, 2012.

84. Respondent's failure to submit timely to the Administrator of EPA a Form R for antimony compounds for the 2009 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count IX
Failure to timely submit 2009 Form R for lead

85. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

86. The reporting threshold for lead processed during the 2009 calendar year is 100 lbs. 42 U.S.C. § 11023(f) and 40 C.F.R. 372.28.

87. During the 2009 calendar year, Respondent's facility processed 135 pounds of lead, CAS No. 7439-92-1.

88. Lead is a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

89. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for lead for the 2009 calendar year on or before July 1, 2010.

90. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for lead for the 2009 calendar year on or before July 1, 2010.

91. Respondent submitted to the Administrator of EPA a Form R for lead for the 2009 calendar year on or about December 6, 2012.

92. Respondent's failure to submit timely to the Administrator of EPA a Form R for 2009 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count X

Failure to timely submit 2010 Form R for decabromodiphenyl oxide

93. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

94. The reporting threshold for a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65 that is processed during the 2010 calendar year is 25,000 pounds. 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25(a).

95. During the 2010 calendar year, Respondent's facility processed 390,286 pounds of decabromodiphenyl oxide, CAS No. 1163-19-5.

96. Decabromodiphenyl oxide is a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

97. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for decabromodiphenyl oxide for the 2010 calendar year on or before July 1, 2011.

98. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for decabromodiphenyl oxide for the 2010 calendar year on or before July 1, 2011.

99. Respondent submitted to the Administrator of EPA a Form R for decabromodiphenyl oxide for the 2010 calendar year on or about August 22, 2012.

100. Respondent's failure to submit timely to the Administrator of EPA a Form R for decabromodiphenyl oxide for the 2010 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count XI
Failure to timely submit 2010 Form R for antimony compounds

101. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

102. The reporting threshold for a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65 that is processed during the 2010 calendar year is 25,000 pounds. 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25(a).

103. During the 2010 calendar year, Respondent's facility processed 139,412 pounds of antimony compounds, Chemical Category N010.

104. Antimony compounds are a chemical category identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

105. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for antimony compounds for the 2010 calendar year on or before July 1, 2011.

106. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for antimony compounds for the 2010 calendar year on or before July 1, 2011.

107. Respondent submitted to the Administrator of EPA a Form R for antimony compounds for the 2010 calendar year on or about August 22, 2012.

108. Respondent's failure to submit timely to the Administrator of EPA a Form R for antimony compounds for the 2010 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Count XII
Failure to timely submit 2010 Form R for lead

109. Complainant incorporates paragraphs 1 through 20 of this Complaint as if set forth in this paragraph.

110. The reporting threshold for lead processed during the 2010 calendar year is 100 lbs. 42 U.S.C. § 11023(f) and 40 C.F.R. 372.28.

111. During the 2010 calendar year, Respondent's facility processed 276 pounds of lead, CAS No. 7439-92-1.

112. Lead is a chemical identified at Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), and listed at 40 C.F.R. § 372.65.

113. Section 313 of EPCRA, 42 U.S.C. § 11023, required Respondent to submit to the Administrator of EPA and to the state of Ohio a Form R for lead for the 2010 calendar year on or before July 1, 2011.

114. Respondent failed to submit to the Administrator of EPA and to the state of Ohio a Form R for lead for the 2010 calendar year on or before July 1, 2011.

115. Respondent submitted to the Administrator of EPA a Form R for lead for the 2010 calendar year on or about December 6, 2012.

116. Respondent's failure to submit timely to the Administrator of EPA a Form R for 2010 calendar year violated Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30.

Proposed Penalty

117. Complainant proposes that the Administrator assess a civil penalty against Respondent for the EPCRA violations alleged in this Complaint as follows:

Count I

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for decabromodiphenyl oxide for calendar year 2007:

CAS No. 1163-19-5.....\$10,961

Count II

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for antimony compounds for calendar year 2007:

Category N010.....\$10,961

Count III

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for lead for calendar year 2007:

CAS No. 7439-92-1.....\$10,961

Count IV

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for decabromodiphenyl oxide for calendar year 2008:

CAS No. 1163-19-5.....\$12,040

Count V

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for antimony compounds for calendar year 2008:

Category N010.....\$12,040

Count VI

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for lead for calendar year 2008:

CAS No. 7439-92-1.....\$12,040

Count VII

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for decabromodiphenyl oxide for calendar year 2009:

CAS No. 1163-19-5.....\$12,040

Count VIII

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for antimony compounds for calendar year 2009:

Category N010.....\$12,040

Count IX

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for lead for calendar year 2009:

CAS No. 7439-92-1.....\$12,040

Count X

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for decabromodiphenyl oxide for calendar year 2010:

CAS No. 1163-19-5.....\$37,500

Count XI

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for antimony compounds for calendar year 2010:

Category N010.....\$24,080

Count XII

Failure to submit timely a Toxic Chemical Release Inventory Reporting Form for lead for calendar year 2010:

CAS No. 7439-92-1.....\$24,080

Total Proposed Civil Penalty.....\$190,783

Complainant has determined the proposed civil penalty according to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c). In determining the proposed penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to the 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], dated April 12, 2001, a copy of which is enclosed with this Complaint.

Rules Governing this Proceeding

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the Consolidated Rules), 40 C.F.R. Part 22, govern this proceeding to assess a civil penalty. Enclosed with the Complaint served on Respondent is a copy of the Consolidated Rules.

Filing and Service of Documents

Respondent must file with the EPA Regional Hearing Clerk the original and one copy of each document Respondent intends as part of the record in this proceeding. The Regional Hearing Clerk's address is:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Respondent must serve a copy of each document filed in this proceeding on each party pursuant to Section 22.5 of the Consolidated Rules. Complainant has authorized Kris P. Vezner, Associate Regional Counsel, to receive any answer and subsequent legal documents that Respondent serves in this proceeding. You may telephone Mr. Vezner at (312) 886-6827. His address is:

Kris P. Vezner (C-14J)
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Terms of Payment

Respondent may resolve this proceeding at any time by paying the proposed penalty by sending a certified or cashier's check payable to the "Treasurer, United States of America," to:

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

Respondent must include the case name, docket number and the billing document number on the check and in the letter transmitting the check. Respondent must simultaneously send

copies of the check and transmittal letter to the Regional Hearing Clerk and [ORC attorney] at the addresses given above, and to:

Terence Bonace (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Answer and Opportunity to Request a Hearing

If Respondent contests any material fact upon which the Complaint is based or the appropriateness of any penalty amount, or contends that it is entitled to judgment as a matter of law, Respondent may request a hearing before an Administrative Law Judge. To request a hearing, Respondent must file a written Answer within 30 days of receiving this Complaint and must include in that written Answer a request for a hearing. Any hearing will be conducted in accordance with the Consolidated Rules.

In counting the 30-day period, the date of receipt is not counted, but Saturdays, Sundays, and federal legal holidays are counted. If the 30-day time period expires on a Saturday, Sunday, or federal legal holiday, the time period extends to the next business day.

To file an Answer, Respondent must file the original written Answer and one copy with the Regional Hearing Clerk at the address specified above.

Respondent's written Answer must clearly and directly admit, deny, or explain each of the factual allegations in the Complaint; or must state clearly that Respondent has no knowledge of a particular factual allegation. Where Respondent states that it has no knowledge of a particular factual allegation, the allegation is deemed denied. Respondent's failure to admit, deny, or explain any material factual allegation in the Complaint constitutes an admission of the allegation.

Respondent's answer must also state:

- a. The circumstances or arguments which Respondent alleges constitute grounds of defense;
- b. The facts that Respondent disputes;
- c. The basis for opposing the proposed penalty; and
- d. Whether Respondent requests a hearing.

If Respondent does not file a written Answer within 30 calendar days after receiving this Complaint, the Presiding Officer may issue a default order, after motion, under Section 22.17 of the Consolidated Rules. Default by Respondent constitutes an admission of all factual allegations in the Complaint and a waiver of the right to contest the factual allegations. Respondent must pay any penalty assessed in a default order, without further proceedings, 30 days after the order becomes the final order of the Administrator of EPA under Section 22.27(c) of the Consolidated Rules.

Settlement Conference

Whether or not Respondent requests a hearing, Respondent may request an informal conference to discuss the facts alleged in the Complaint and to discuss settlement. To request an informal settlement conference, Respondent may contact Mr. Bonace at (312) 886-3387.

Respondent's request for an informal settlement conference will not extend the 30-day period for filing a written Answer to this Complaint. Respondent may simultaneously pursue both an informal settlement conference and the adjudicatory hearing process. Complainant encourages all parties against whom it proposes to assess a civil penalty to pursue settlement through an informal conference. Complainant, however, will not reduce the penalty simply because the parties hold an informal settlement conference.

Continuing Obligation to Comply

Respondent's payment of the civil penalty will not satisfy Respondent's legal obligation to file a complete and accurate Form R for each year that Respondent manufactured, processed, or otherwise used a toxic chemical identified in this Complaint in a quantity exceeding the threshold for reporting. Whether Respondent chooses to pay the proposed penalty, request a hearing, or settle this case, Respondent is still legally required to submit complete and accurate Form Rs to both:

EPCRA Reporting Center
P.O. Box 1513
Lanham, Maryland 20703 1513
Attn: Toxic Chemical Release Inventory

Cindy DeWulf
Ohio Environmental Protection Agency
Lazarus Government Center
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049

Continued failure to file a Form R may subject Respondent to additional civil penalties of up to \$37,500 per day of violation.

September 5, 2013
Date



Margaret M. Guerriero
Director
Land and Chemicals Division



CERTIFICATE OF SERVICE

I hereby certify that a copy of an original signed Complaint involving Revere Plastics Systems, LLC., was filed on September 6, 2013 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 7676 9044, a copy to the Respondent:

Mr. Rustin Shields
Revere Plastics Systems, LLC
401 East Elm Street
Clyde, Ohio 43410

and forwarded copies (intra-Agency) to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J
Kris P. Vezner, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD



Frederick Brown
Pesticides and Toxics Compliance Section
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Docket No. EPCRA-05-2013-0025

