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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:) Docket No. CAA-5-99-010
)
Jennings Pump Company,)
)
) Proceeding Under
) Section 113(d)
) of the Clean Air Act,
) 42 U.S.C. § 7413(d).
Respondent.)

Consent Agreement and Final Order

1. Complainant, the Acting Director of the Air and Radiation Division, United States Environmental Protection Agency (EPA), Region 5, brought this civil administrative action under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. On March 31, 1999, EPA filed the complaint in this action against Respondent. The Complaint alleges that Respondent violated Section 112(b) of the Act, 42 U.S.C. § 7412(b), and applicable regulations promulgated at 40 C.F.R. Part 63, Subpart N, at its decorative chromium electroplating facility located at 19175 T. Elliott, Detroit, Michigan.

3. Respondent filed an answer and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. §7413(d)(2).

Stipulations

4. Respondent admits the jurisdictional allegations of the Complaint, and neither admits nor denies the factual allegations in the complaint.

5. Respondent waives its right to a hearing under 40 C.F.R. §22.15(c), and waives its right to appeal under Section 113(d) of the Act, 42 U.S.C. §7413(d).

6. Respondent has completed the performance testing required by 40 C.F.R. §§63.7 and 63.343(b)(1) at its decorative chromium electroplating facility. Respondent has also prepared the operation and maintenance plan required by 40 C.F.R. §63.342(f)(3).

7. Respondent certifies that it is complying fully with the Act and the requirements of 40 C.F.R. Part 63.

8. The parties consent to the terms of this Consent Agreement and Final Order (CAFO).

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

Civil Penalty

10. In consideration of Respondent's good faith efforts to resolve this matter and its cooperation in providing EPA with information during the pendency of this matter, the nature of the violations, Respondent's ability to pay the proposed penalty and other relevant factors, EPA agrees to mitigate the proposed penalty amount to \$2,400.

11. Respondent shall pay the \$2,400 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

12. Respondent shall send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

13. A transmittal letter, stating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. Respondent shall write the case docket number and billing document number on the face of the

check. Respondent shall send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk
U. S. Environmental Protection Agency, Region 5
77 West Jackson Blvd. (MF-10J)
Chicago, Illinois 60604-3590

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U. S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Louise Gross (C-14J)
Office of Regional Counsel
U. S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

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

15. If Respondent does not timely pay the civil penalty, EPA may bring an action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), 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.

16. Interest shall accrue on any amount overdue from the date the payment was due at a rate established under 26 U.S.C. §6621(a)(2). Respondent shall pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past

due. Respondent shall pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. §7413(d)(5). This nonpayment penalty shall be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

General Provisions

17. This CAFO settles EPA's claims for civil penalties for the violations alleged in the complaint.

18. Nothing in this CAFO shall restrict EPA's authority to seek Respondent's compliance with the Act and other applicable laws and regulations.

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

20. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. §7413(e).

21. The terms of this CAFO bind the Respondent, its officers, directors, agents, successors, authorized representatives and assigns.

22. Each person signing this Consent Agreement certifies that he or she has authority to sign this Consent Agreement for the party whom he or she represents and to bind that party to its terms.

23. Each party shall bear its own costs, fees and disbursements in this action.

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

**U.S. Environmental Protection
Agency, Complainant**

Date: November 17, 1999 By: 
Margaret M. Guerriero
Acting Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5

**Jennings Pump Company
Respondent**

Date: 10/13/99 By: 
Jennings Pump Company

In the Matter of: Jennings Pump Company,
Docket No. CAA-5-99-010

Final Order

It is ordered as agreed to by the parties and as stated in the Consent Agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk. This Order disposes of the matter under 40 C.F.R. § 22.18(c).

Date: _____

11/12/99



Francis X. Lyons
Regional Administrator
Region 5
U.S. Environmental Protection
Agency

Docket No: CAA-5-99-010

CERTIFICATE OF FILING AND MAILING

I, Shanee Rucker, do hereby certify that the Original of the foregoing Consent Agreement and Final Order (CAFO), was sent to Jennings Pump Company, was filed with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a second original of the CAFO was sent Certified Mail, Return Receipt Requested, to:

Thomas Creagh, President
Jennings Pump Company
19175 Mt. Elliott
Detroit, Michigan 48234

I also certify that copies of the CAFO were sent by first class mail to:

Barbara Rosenbaum, Compliance and
Enforcement Section Supervisor
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909

Kathleen Allender, Esq.
207 South Street
Belleville, Michigan 49512

on the 22 day of November 1999.

Shanee Rucker
Shanee Rucker, Secretary
AECAS (MI/WI)

Certified Mail No. 2199 026 453

RECEIVED
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