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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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IN THE MATTER OF:)	
)	
ICOR International, Inc.)	Docket No. CAA-5-98-038
Indianapolis, Indiana)	
)	Proceeding to Assess an
)	Administrative Penalty
Respondent.)	under Section 113(d) of the
)	Clean Air Act,
)	42 U.S.C. § 7413(d)
_____)	

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Consent Agreement and Consent Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency ("U.S. EPA"), Region 5, brought this administrative proceeding for the assessment of a civil penalty pursuant to Section 113(d) of the Clean Air Act ("Act"), 42 U.S.C. § 7413(d), by filing an Administrative Complaint ("Complaint") against Respondent ICOR International, Inc. ("ICOR").

Preliminary Statement

2. Complainant alleged in the Complaint that ICOR violated Sections 608 and 612 of the Act, 42 U.S.C. §§ 7671g and 7671k, and the regulations establishing standards and requirements regarding the certification of refrigerant recycling or recovery equipment and ozone-depleting refrigerant substitutes, 40 C.F.R. Part 82. Specifically, Count I of the Complaint alleged that ICOR was not certified by an approved equipment testing

organization to manufacture the Spooter II refrigerant recovery equipment, in violation of 40 C.F.R. §§ 82.154(c) and 82.158(b). Count II of the Complaint alleged that ICOR's labels for the Spooter II did not meet the requirements of 40 C.F.R. § 82.158(h). Count III of the Complaint alleged that ICOR's ten-ounce cans of Hot Shot substitute refrigerant did not adhere to the use restrictions set by the Hot Shot acceptability decision, in violation of 40 C.F.R. § 82.174(c) and 40 C.F.R. Part 82, Subpart G, Appendix D.

3. Respondent filed an Answer and requested a hearing pursuant to Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2), and Section 22.15 of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits", 40 C.F.R. § 22.15.

4. The parties agree that this matter should be settled without a hearing or further proceedings, upon the terms set forth in this Consent Agreement and Consent Order ("CACO").

Consent Agreement

5. Respondent admits the jurisdictional allegations set forth in the Complaint and neither admits nor denies the factual allegations set forth in the Complaint.

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

7. Respondent certifies with respect to the violations alleged in the Complaint that it is in full compliance with the requirements of 40 C.F.R. Part 82 at its Indianapolis, Indiana facility.

8. Respondent and Complainant consent to the terms of this CACO.

9. Respondent shall pay a civil penalty of \$25,000 by cashier's or certified check payable to the "Treasurer, United States of America," not later than 30 days after the effective date of this CACO.

10. Respondent shall send the payment to:

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

11. A transmittal letter, indicating 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 the billing document number on the face of the check. Respondent shall send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (R-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
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

Alan Walts, (C-14J)
William Clune
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3509

12. The payment specified in paragraph 10, above, represents civil penalties assessed by U.S. EPA and is not deductible for federal tax purposes.

13. Respondent's failure to comply with any provision of this CACO may subject Respondent to a civil action pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), to collect any unpaid portion of the civil penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for collection proceedings. The validity, amount and appropriateness of the assessed penalty are not reviewable in a collection proceeding.

14. Interest shall accrue on any amount overdue from the effective date of this CACO at a rate established pursuant to 26 U.S.C. § 6621(a)(2). Respondent shall pay a monthly handling charge of \$15 for each month that any portion of the assessed penalty is more than 30 days past due. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), Respondent shall

pay a quarterly nonpayment penalty for each quarter during which the assessed penalty is overdue. This nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

15. This CACO settles U.S. EPA's claims for civil penalties for the violations alleged in the Complaint.

16. Nothing in this CACO shall restrict U.S. EPA's authority to seek ICOR's compliance with the Act and other applicable laws and regulations.

17. This CACO does not affect ICOR's obligation to comply with the Act and other applicable federal, state and local laws and regulations.

18. The terms of this CACO are binding on the Respondent, its officers, directors, employees, agents, authorized representatives, successors and assigns.

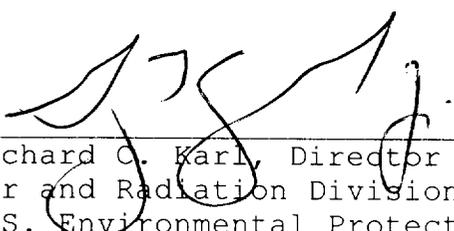
19. Each person signing this Consent Agreement certifies that he or she is duly authorized to execute this Consent Agreement by the party whom he or she represents and to bind that party to its terms.

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

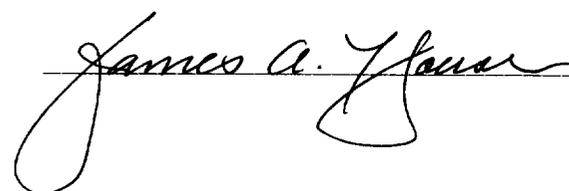
21. This CACO constitutes the entire agreement between the parties.

22. The parties to this agreement consent to the entry of this CACO without further notice.

U.S. Environmental Protection Agency, Complainant

Date: 4/11/99 By:  FOR
Richard C. Karl, Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5 (A-18J)

ICOR International, Inc., Respondent

Date: 5-26-1999 By: 

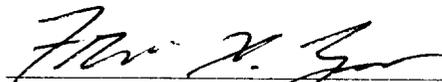
CONSENT AGREEMENT AND CONSENT ORDER
ICOR International, Inc.
Docket No. CAA-5-98-038

Consent Order

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

Date: _____

6/14/99



FRANCIS X. LYONS
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Docket No.: 5-CAA-5-98-038

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CERTIFICATE OF FILING AND MAILING

I, Betty Williams, do hereby certify that the original of the foregoing Consent Agreement and Consent Order (CACO), was sent to ICOR International, Inc., 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 CACO was sent Certified Mail, Return Receipt Requested, to:

James Tieken, Owner
ICOR International, Inc.
2351 Kentucky Avenue, Building #3
Indianapolis, Indiana 46221

I also certify that copies of the CACO were sent by First Class Mail to:

Sharon A. Hilmes
Lewis D. Beckwith
Baker & Daniels
300 North Meridan Street, Suite 2700
Indianapolis, IN 46204

Felicia George, Assistant Commissioner
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate, Room 1001
Indianapolis, Indiana 46206-6015

on the 17th Day of June 1999.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P140779135