UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of	)	
	)	
Pauwels Transformers, Inc.	)	EPA Docket No. CAA 07-2001-0051
Washington, Missouri	)	
	)	
Respondent	)	

CONSENT AGREEMENT AND FINAL ORDER

This proceeding for the assessment of a civil penalty was initiated on or about June 28, 2001, pursuant to Section 113(d) of the Clean Air Act (hereinafter CAA), as amended 42 U.S.C. § 7413(d), when the United States Environmental Protection Agency (hereinafter Complainant or EPA) issued to Pauwels Transformers, Inc, Washington, Missouri (hereinafter Respondent) a Complaint and Notice of Opportunity for Hearing (hereinafter Complaint).

The Complaint charged Respondent with violation of a requirement or prohibition of an applicable state implementation plan, approved by the EPA pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, and federally enforceable pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

The Complaint proposed a civil penalty of One Hundred Thirty-Three Thousand and One Hundred Dollars ($133,100) for such violation.

The Complainant and Respondent entered into negotiations in an attempt to settle the allegations contained in the Complaint; this Consent Agreement and Final Order are the result of such negotiations.

CONSENT AGREEMENT

Complainant and Respondent hereby agree as follows:

1. Solely for purposes of this proceeding, Respondent admits the jurisdictional allegations of the Complaint. Respondent neither admits nor denies the factual allegations of the Complaint.

2. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint.

3. Respondent and Complainant agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees incurred as a result of this matter.

4. Respondent certifies by the signing of this Consent Agreement and Final Order that Respondent converted to a citrus-based cleaner thereby eliminating the need to comply with the cold cleaner standard that was the subject of the 10 C.S.R. 10 - 5.300 violations alleged in the complaint. By converting to a citrus-based cleaner, Respondent eliminated the use of most volatile organic compounds (VOCs) from Respondent's solvent metal cleaning process.

5. Respondent certifies by the signing of this Consent Agreement and Final Order that Respondent is presently in compliance with all requirements of Section 10 C.S.R. 10-5.330, "Control of Emissions From Industrial Surface Coating Operations" of the Missouri Air Pollution Control Rules, approved by the EPA pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, and federally enforceable pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

6. Respondent agrees to pay a civil penalty of Seventy Thousand Dollars ($70,000) within thirty (30) days of the entry of the Final Order herein.

7. Respondent's failure to pay any portion of the civil penalty assessed herein may result in commencement of a civil action in Federal District Court to recover the amount due, together with interest thereon, as set forth in CAA Section 113(d), 42 U.S.C. 7413(d).

8. Respondent agrees not to deduct the cost of the civil penalty to be paid pursuant to paragraph 6 above, for federal, state or local tax purposes.

9. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a civil penalty as set forth below.

10. Respondent and Complainant agree that full payment of the civil penalty assessed herein resolves Respondent's liability for Federal Civil penalties for the violations and facts alleged in the Complaint, in accordance with 40 C.F.R. § 22.18(c).

FINAL ORDER

Pursuant to the provisions of the CAA, 42 U.S.C. § 7401 et seq., and based upon the information set forth in the Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Seventy Thousand Dollars ($70,000) within thirty (30) days of the entry of the Final Order herein. Payment shall be by cashier's check or certified check made payable to the "United States Treasury" and remitted to:

EPA-Region VII
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

2. Respondent shall send a copy of the check to:

Kathy Robinson
Regional Hearing Clerk
Office of Regional Counsel
EPA, Region VII
901 North 5th Street
Kansas City, Kansas 66101.

3. Respondent and Complainant shall bear their respective costs and attorneys' fees incurred as a result of this matter.

4. This executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

5. The effective date for all purposes herein shall be the date that this Consent Agreement and Final Order is filed by the Regional Hearing Clerk.

6. Full payment of the civil penalty assessed herein shall resolve Respondent's liability for Federal Civil penalties for the violations and facts alleged in the Complaint, in accordance with 40 C.F.R. § 22.18(c).

Karina Borromeo

Karina Borromeo
Regional Judicial Officer
U.S. Environmental Protection Agency
Region VII

Sept. 23, 2002
Date

In the Matter of
Pauwels Transformers, Inc.
Docket No. CAA-07-2001-0051

COMPLAINANT:

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By Julie L. Murray
Julie L. Murray
Senior Assistant Regional Counsel

Date Sept. 19, 2002

RESPONDENT:

PAUWELS TRANSFORMERS, INC.

By Francis Robberechts

Title President

Date Sep. 17, 2002

In the Matter of
Pauwels Transformers, Inc.
Docket No. CAA-07-2001-0051

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addresses:

Copy hand delivered to
Attorney for Complainant:

Julie Murray
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

Copy by U.S. Certified Mail,
Return Receipt Requested, to:

Steve Poplawski, Esquire
Bryan Cave LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, Missouri 63102-2750

and

Copy by facsimile and First Class Pouch Mail to:

Judge Barbara A. Gunning
Office of Administrative Law Judges
U. S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W./ Mail Code 1900L
Washington, D.C. 20460-2001

Dated: 9/23/02

Kathy Robinson
Kathy Robinson
Regional Hearing Clerk