

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Sep 05, 2024

11:12 am

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
: :
Jeff's Auto Body and Recycling Center, Inc. : U.S. EPA Docket No. CAA-03-2024-0140
5446 Snyderstown Road : :
Paxinos, PA 17860 : Proceeding under Section 113(d) of the Clean Air
: Act, 42 U.S.C. § 7413(d)
Respondent. :

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Jeff's Auto Body and Recycling Center, Inc. ("Respondent") (collectively the "Parties"), pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under the Clean Air Act (or the "Act") for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency ("EPA") has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Respondent is a corporation registered in the Commonwealth of Pennsylvania.
14. Respondent is a "person" as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
15. At all times relevant to the violations alleged herein, Respondent owned and operated recycling and scrap facility located at 5446 Snyderstown Road in Paxinos, Pennsylvania ("Facility").

16. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires the EPA to establish National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for both major and area sources of hazardous air pollutants (“HAP”) that are listed for regulation under Section 112(c) of the CAA, 42 U.S.C. § 7412(c).
17. A major source emits or has the potential to emit 10 tons per year (tpy) or more of any single HAP or 25 tpy or more of any combination of HAP. An area source is a stationary source that is not a major source.
18. On March 23, 2000 and pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), the EPA promulgated a NESHAP for the control of HAP for the secondary aluminum production source category, codified at 40 C.F.R Part 63, Subpart RRR (“Secondary Aluminum Production NESHAP”).
19. Effective March 23, 2000, the Secondary Aluminum Production NESHAP includes emission standards comprised of emission limits, operating limits, methods for determining initial compliance, as well as monitoring, record keeping and reporting requirements.
20. According to Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), no person may operate a source in violation of a standard, limitation or regulation promulgated under Section 112 of the CAA, 42 U.S.C. § 7412, after the effective date except, in the case of an existing source, which shall comply pursuant to the compliance dates set forth by the EPA in the standard, limitation or regulation.
21. According to the Secondary Aluminum Production NESHAP, owners or operators of secondary aluminum production facilities that are area sources of HAP are subject to the requirements of the Secondary Aluminum Production NESHAP pertaining to dioxin and furan (“D/F”) emissions and associated operating, monitoring, reporting and recordkeeping requirements. 40 C.F.R. § 63.1500(c).
22. The Secondary Aluminum Production NESHAP requirements apply to affected sources, which include new and existing sweat furnaces. 40 C.F.R. § 63.1500(c)(3).
23. On March 24, 2021 and January 19, 2022, the EPA issued information request letters pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), (“information request letters”) requiring Jeff’s Auto Body to provide information to determine, among other things, whether it is subject to and operating in compliance with the Secondary Aluminum Production NESHAP.
24. Based on information provided in response to the information request letters and other investigatory activities, the EPA has determined that Jeff’s Auto Body is an owner or

operator of a secondary aluminum production facility that is an area source of HAP, and that uses a sweat furnace as part of its operations which is subject to the requirements of the Secondary Aluminum Production NESHAP.

Count I
Failure to Comply with Emission Standard

25. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
26. Pursuant to the Secondary Aluminum Production NESHAP, an owner or operator of a sweat furnace must not discharge or cause to be discharged to the atmosphere emissions in excess of 0.80 nanogram of D/F toxic equivalency per dry cubic meter at standard conditions (3.5×10^{-10} gr per dscf) at 11 percent oxygen. Owners or operators can demonstrate compliance with this emission standard either by conducting a performance test or by operating and maintaining an afterburner with a design residence time of 0.8 seconds or greater and an operating temperature of 1600⁰F or greater. 40 C.F.R. § 63.1505(f).
27. The Secondary Aluminum Production NESHAP specifies that an owner or operator of a sweat furnace with emissions controlled by an afterburner with a design residence time of 0.8 seconds or greater must maintain a 3-hour block average operating temperature of the afterburner at or above either: the average temperature established during the performance test, or 1600⁰F if a performance test was not conducted. 40 C.F.R. § 63.1506(h).
28. Based on information provided in response to the information request letters and other investigatory activities, the EPA has determined that instead of conducting a performance test Respondent equipped its sweat furnace with an afterburner but that according to documented temperature measurements failed to operate its afterburner at or above 1600⁰F from at least October 2019 through March 2021.
29. Respondent violated of the emission standard set forth at 40 C.F.R. § 63.1505(f) of the Secondary Aluminum Production NESHAP, and is subject to the assessment of penalties under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count II
Failure to Operate a Continuous Temperature Monitoring Device

30. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

31. Pursuant to the Secondary Aluminum Production NESHAP, an owner or operator of a sweat furnace with emissions controlled by an afterburner must install, calibrate, maintain, and operate a device to continuously monitor and record the operating temperature of the afterburner that meets each of the following performance and equipment specification:

- (i) The temperature monitoring device must be installed at the exit of the combustion zone of each afterburner;
- (ii) The monitoring system must record the temperature in 15-minute block averages and determine and record the average temperature for each 3-hour block period;
- (iii) The recorder response range must include zero and 1.5 times the average temperature established according to the requirements in § 63.1512(m); and
- (iv) The reference method must be a National Institute of Standards and Technology calibrated reference thermocouple-potentiometer system or alternate reference, subject to approval by the Administrator.

40 C.F.R. §§ 63.1510(a)(6), (g)(1) and (2).

32. Based on information provided in response to the information request letters and other investigatory activities, the EPA has determined that Respondent failed to install, calibrate, maintain, and operate a device to continuously monitor and record the operating temperature of the afterburner meeting the required performance and equipment specifications from at least October 2019 through March 2021.

33. Respondent violated the afterburner temperature device monitoring requirements set forth at 40 C.F.R. §§ 63.1510(a)(6), (g)(1) and (2) of the Secondary Aluminum Production NESHAP, and is subject to the assessment of penalties under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count III
Failure to Conduct Afterburner Inspections

34. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

35. Pursuant to the Secondary Aluminum Production NESHAP, an owner or operator of a sweat furnace with emissions controlled by an afterburner must conduct an inspection of the afterburner at least once each calendar year and record the result. At a minimum, the inspections must include:

- (i) Inspection of all burners, pilot assemblies, and pilot sensing devices for proper operation and clean pilot sensor;

- (ii) Inspection for proper adjustment of combustion air;
- (iii) Inspection of internal structures (*e.g.*, baffles) to ensure structural integrity;
- (iv) Inspection of dampers, fans, and blowers for proper operation;
- (v) Inspection for proper sealing;
- (vi) Inspection of motors for proper operation;
- (vii) Inspection of combustion chamber refractory lining and clean and replace lining as necessary;
- (viii) Inspection of afterburner shell for corrosion and/or hot spots;
- (ix) Documentation, for the burn cycle that follows the inspection, that the afterburner is operating properly and any necessary adjustments have been made; and
- (x) Verification that the equipment is maintained in good operating condition.
- (xi) Following an equipment inspection, all necessary repairs must be completed in accordance with the requirements of the OM&M plan.

40 C.F.R. §§ 63.1510(a)(6) and (g)(3).

- 36. Based on information provided in response to the information request letters and other investigatory activities, the EPA has determined that Respondent failed to conduct compliant inspections of the afterburner and to record the results at least once each calendar year from at least October 2020 to the present.
- 37. Respondent violated the afterburner inspection monitoring requirements set forth at 40 C.F.R. §§ 63.1510(a)(6) and (g)(3), and is subject to the assessment of penalties under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count IV

Failure to Conduct Sweat Furnace Inspections

- 38. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
- 39. Pursuant to the Secondary Aluminum Production NESHAP, an owner or operator of a sweat furnace must either design and install a system for the capture and control of emissions meeting engineering standards, or design, install and operate its sweat furnace in accordance with requirements set forth at 40 C.F.R. § 63.1506(c)(4), which includes a requirement that air flow be into the sweat furnace or towards the plane of sweat furnace opening. 40 C.F.R. § 63.1506(c).
- 40. The Secondary Aluminum Production NESHAP further requires an owner or operator of a sweat furnace to inspect at least once each calendar year either the installed capture and control system meeting engineering standards, or the sweat furnace to ensure that it is being operated in accordance with the negative air flow requirements in 40 C.F.R. § 63.1506(c)(4), in accordance with the following:

- (i) Perform an annual visual smoke test to demonstrate airflow into the sweat furnace or towards the plane of the sweat furnace opening;
- (ii) Perform the smoke test using a smoke source, such as a smoke tube, smoke stick, smoke cartridge, smoke candle or other smoke source that produces a persistent and neutral buoyancy aerosol; and
- (iii) Perform the visual smoke test at a safe distance from and near the center of the sweat furnace opening.

40 C.F.R. §§ 63.1510(a)(3) and (d)(3).

- 41. Based on information provided in response to the information request letters and other investigatory activities, the EPA has determined that Respondent did not install an emissions capture and control system meeting engineering standards, and failed to conduct inspections of its sweat furnace to ensure that it is being operated in accordance with the negative air flow requirements in 40 C.F.R. § 63.1506(c)(4) at least once each calendar year from at least October 2020 to the present.
- 42. Respondent violated the sweat burner inspection monitoring requirements set forth at 40 C.F.R. §§ 63.1510(a)(3) and (d)(3), and is subject to the assessment of penalties under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

CIVIL PENALTY

- 43. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FORTY THOUSAND AND TWO HUNDRED DOLLARS (\$40,200)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
- 44. The civil penalty is based upon the EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 113(e)(1) of the Act, 42 U.S.C. § 7413(e)(1), including, the following: the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation and such other factors as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA's October 25, 1991 Clean Air Act Stationary Source Civil Penalty Policy which reflects the statutory penalty criteria and factors set forth at Section 113(e)(1) of the Act, 42 U.S.C. § 7413(e)(1), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing the EPA's civil penalty policies to account for inflation.

45. Respondent agrees to pay a civil penalty in the amount of **\$40,200** ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
46. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
47. When making a payment, Respondent shall:
 - a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, [EPA Docket No. CAA-03-2024-0140],
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

Jennifer M. Abramson
Senior Assistant Regional Counsel
Abramson.Jennifer@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

"Proof of Payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

48. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.
 - a. Interest. Interest begins to accrue from the Effective Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until

any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.

b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handling collection.

c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

49. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.

d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

50. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

51. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

52. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
53. The parties consent to service of the Final Order by e-mail at the following valid email addresses: Abramson.Jennifer@epa.gov (for Complainant), and Jeffsrecycling@aol.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

54. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
55. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

56. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

57. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations,

nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the Clean Air Act, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

58. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under the Clean Air Act, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

59. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. 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 Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

60. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In the Matter of: Jeff's Auto Body & Recycling Center, Inc.

EPA Docket No. CAA-03-2024-0140

For Respondent: Jeff's Auto Body & Recycling Center, Inc.

Date: 8-23-24

By:

Kathleen Kurtz, Pres.
Kathleen Kurtz, President
Jeff's Auto Body & Recycling Center, Inc.

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____

[Digital Signature and Date]

Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: _____

[Digital Signature and Date]

Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103



In the Matter of: :
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: Air Act, 42 U.S.C. § 7413(d)
Respondent. :

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Jeff's Auto Body and Recycling Center, Inc. have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's October 25, 1991 Clean Air Act Stationary Source Civil Penalty Policy, and the statutory factors set forth in Section 113(e)(1) of the Act, 42 U.S.C. § 7413(e)(1).

NOW, THEREFORE, PURSUANT TO Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***FORTY THOUSAND AND TWO HUNDRED DOLLARS (\$40,200)***, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: _____

By: _____

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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5446 Snyderstown Road :
Paxinos, PA 17860 : Proceeding under Section 113(d) of the Clean
: Air Act, 42 U.S.C. § 7413(d)
Respondent. :

CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Kathleen Kurtz, President
Jeff's Auto Body and Recycling Center, Inc.
jeffsrecycling@aol.com
5446 Snyderstown Road
Paxinos, PA 17860

Robert L Dluge, Jr.
Diehl, Dluge, Michetti & Michetti
Eburglaw1@verizon.net
133 W Mt Carmel Avenue
Elysburg, PA 17824

Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA, Region 3
Abramson.Jennifer@epa.gov

Alex Everhart
Enforcement Inspector
U.S. EPA, Region 3
Everhart.Alex@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3