UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

NOV 0 2 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Number: 7001 0320 0004 7790 3353

Mr. John M. Bonforte, Sr., General Manager
Monmouth Rubber and Plastics Corporation
75 Long Branch Avenue
Long Branch, New Jersey 07740

Re: In the Matter of Monmouth Rubber and Plastics Corporation
TRI Facility ID No.: 0774WMNMTH75LNG
Docket No. EPCRA-02-2012-4104

Dear Mr. Bonforte:

Enclosed is a copy of the Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the United States Environmental Protection Agency.

Please note that the forty five (45) day period for the payment of the first installment of the civil penalty commences as of the date this Final Order is signed by the Regional Judicial Officer. Please arrange for payment of this penalty according to the instructions given in the Consent Agreement (see "Terms of Consent Agreement"). Please remember to send a copy of the company=s payment check to the Complainant, as detailed in the Consent Agreement.

If you have any questions regarding this matter, please contact me at (732) 321-6765, gorman.john@epa.gov or contact Ms. Mary Ann Kowalski, of my staff, at (732) 906-6815, kowalski.mary@epa.gov.

Sincerely yours,

M. Kowalski for J.G.

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

cc: Mr. Andrew Oppermann, EPCRA Section 313
New Jersey Department of Environmental Protection
Division of Environmental Safety and Health
Office of Pollution Prevention and Right-To-Know
22 S. Clinton Avenue, 3rd Floor
P.O. Box 443
Trenton, New Jersey 08625-0443

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of **Monmouth Rubber and Plastics Corporation** **Respondent.** Proceeding under Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act	**CONSENT AGREEMENT AND FINAL ORDER** **DOCKET NUMBER EPCRA-02-2012-4104**

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. §11001 et seq. [also known as the Emergency Planning and Community Right-to-Know Act of 1986 (hereinafter, "EPCRA")]. The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Etc." (40 C.F.R. Part 22 (July 1, 2000)) provide in 40 C.F.R. §22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§22.18(b)(2) and (3).

The Director of the Division of Enforcement and Compliance Assistance of the United States Environmental Protection Agency, Region 2, ("EPA" or "Complainant") alleges that Monmouth Rubber and Plastics Corporation located at 75 Long Branch Avenue in Long Branch, New Jersey 07740, violated the requirements of Section 313 of EPCRA (42 U.S.C. §11023) and the regulations promulgated pursuant to that Section, codified at 40 C.F.R. Part 372.

Under Section 313 of EPCRA and 40 C.F.R. §372.22, owners or operators of a facility subject to the requirements of Section 313(b) are required to submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form R, EPA Form 9350-1 (hereinafter, "Form R") for each toxic chemical listed under 40 C.F.R. §372.65 and/or 40 C.F.R. §372.28 that was manufactured, imported, processed, or otherwise used during the preceding calendar year in quantities exceeding the established toxic chemical thresholds. A complete and correct Form R is required to be submitted to the Regional Administrator of the Environmental Protection Agency and to the State in which the subject facility is located.

As an alternative to the requirements set forth above, pursuant to Section 313(f)(2) of EPCRA (42 U.S.C. §11023(f)(2)), and 40 C.F.R. §372.27, owners or operators of a facility subject to the requirements of Section 313(b) with respect to the manufacture, process or otherwise use of a toxic chemical may apply an alternate threshold of one million (1,000,000) pounds per year to that chemical if the conditions set forth in 40 C.F.R. §372.27(a) are met. If the aforementioned alternate threshold for a specific toxic chemical is applicable, such owners or operators, in lieu of filing a Form R, therefore, may submit an "Alternate Threshold Certification Statement" (Form A) pursuant to 40 C.F.R. §372.27(b). Pursuant to 40 C.F.R. §372.27(e), EPA has excluded the Persistent Bioaccumulative Toxic Chemicals listed in 40 C.F.R. §372.28 from eligibility for the Alternate Thresholds described in 40 C.F.R. §372.27(a). [59 FR 61502, Nov. 30, 1994, as amended at 64 FR 58750, Oct. 29, 1999; as amended at 71 FR 76944, Dec. 22, 2006; as amended at 74 FR 19005, Apr. 27, 2009]

EPA and Monmouth Rubber and Plastics Corporation agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO"), pursuant to 40 C.F.R. §22.13(b) and 40 C.F.R. §22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated Findings of Fact or Conclusions of Law have been made. The following constitutes EPA's Findings of Fact and Conclusions of Law based upon information EPA obtained through September 9, 2011.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is Monmouth Rubber and Plastics Corporation (TRI Facility No.: 0774WMNMTH75LNG).

2. At all times relevant hereto, Respondent has maintained a facility located at 75 Long Branch Avenue in Long Branch, New Jersey 07740, which is the subject of this Consent Agreement and Final Order (hereinafter, "Respondent's facility").

3. Respondent is a "person" within the meaning of Section 329(7) of EPCRA (42 U.S.C. §11049).

4. Respondent is an owner of a "facility" as that term is defined by Section 329(4) of EPCRA (42 U.S.C. §11049(4)) and by 40 C.F.R. §372.3.

5. Respondent is an operator of a "facility" as that term is defined by Section 329(4) of EPCRA (42 U.S.C. §11049(4)) and by 40 C.F.R. §372.3.

6. Respondent's facility has ten (10) or more "full time employees" as that term is defined by 40 C.F.R. §372.3.

7. Respondent's facility is in the North American Industry Classification System "NAICS" Code 326299 (all other rubber product manufacturing).

8. Respondent's facility is subject to the requirements of Section 313(b) of EPCRA (42 U.S.C. §11023(b)) and 40 C.F.R. §372.22.

9. The chemical category diisocyanates is listed under 40 C.F.R. §372.65.

10. Respondent processed approximately 37,250 pounds of diisocyanates in calendar year 2008.

11. Respondent was required to submit a complete and correct Form R report for diisocyanates for calendar year 2008 to the Administrator of the EPA and to the State of New Jersey by July 1, 2009.

12. Respondent submitted a Form R report for diisocyanates to the EPA for calendar year 2008 on June 14, 2011. The Form R report was more than a year late.

13. Respondent's failure to submit a timely Form R report for diisocyanates for calendar year 2008 constitutes a failure to comply with Section 313 of EPCRA, 42 U.S.C. §11023, and with 40 C.F.R. Part 372.

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 325(c) of EPCRA, and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Etc., 40 C.F.R. §22.18 (hereinafter, "Consolidated Rules"), it is hereby agreed by and between the parties, and Respondent voluntarily and knowingly agrees as follows:

1. Respondent certifies herein that any and all EPA Toxic Chemical Release Inventory Forms submitted for the above-described violation comply with the requirements of Section 313 of EPCRA and the regulations set forth at 40 C.F.R. Part 372.

2. For the purpose of this proceeding, Respondent: (a) admits the jurisdictional allegations of this Consent Agreement as applied to the facility as set forth in paragraphs 1 through 13, inclusive; and (b) neither admits nor denies the Findings of Fact and Conclusions of Law section, above.

3. Respondent shall pay a civil penalty totaling **SIX THOUSAND ONE HUNDRED TWENTY DOLLARS ($6,120).** Payment shall be made by cashier's or certified

check or by electronic fund transfer (EFT). If the payment is made by check, then the check shall be made payable to the **"Treasurer, United States of America,"** and shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The check shall be identified with a notation thereon listing the following: **In The Matter of Monmouth Rubber and Plastics Corporation** and shall bear thereon the **Docket Number EPCRA-02-2012-4104.** Payment must be received at the above address on or before 45 calendar days after the date of signature of the Final Order at the end of this document (the date by which payment must be received shall hereafter be referred to as the "due date"). If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

1) Amount of Payment.
2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045.
3) Account Code for Federal Reserve Bank of New York receiving payment: 68010727.
4) Federal Reserve Bank of New York ABA routing number: 021030004.
5) Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency."
6) Name of Respondent**: Monmouth Rubber and Plastics Corporation**
7) Case Number: **EPCRA-02-2012-4104.**

Such EFT must be received on or before 45 calendar days after the due date of this CAFO. Whether the payment is made by check or by EFT, the Respondent shall promptly thereafter furnish reasonable proof that such payment has been made to both:

Karen Maples, Regional Hearing Clerk
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor (1631)
New York, NY 10007-1866

and

John Gorman, Chief
Pesticides and Toxic Substances Branch
U.S. Environmental Protection Agency, Region 2
2890 Woodbridge Avenue (MS-105)
Edison, NJ 08837

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling fee of $15 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid.

c. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

4. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of all civil liabilities under the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. §11001 et seq.) and the regulations promulgated thereunder, 40 C.F.R. Part 372, that attach or might have attached as a result of the Findings of Fact and Conclusions of Law set out above.

5. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

6. Monmouth Rubber and Plastics Corporation has read the Consent Agreement, understands its terms, and voluntarily consents to its issuance and to abide by its terms and conditions, including payment of the full amount of the civil penalty in accordance with the terms set forth above. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

7. Monmouth Rubber and Plastics Corporation waives any right it may have pursuant to 40 C.F.R. § 22.08 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator, the Deputy Regional Administrator or the Regional Judicial Officer where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

8. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect respondent's obligation to comply with all applicable provisions of EPCRA and the regulations promulgated thereunder.

9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

10. Each party hereto agrees to bear its own costs and fees in this matter.

11. Respondent consents to service upon Respondent by a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT: **Monmouth Rubber and Plastics Corporation**

BY: _____
Authorizing Signature

NAME: JOHN M. BONFORTE SR.
(PLEASE PRINT)

TITLE: GENERAL MANAGER

DATE: 10/7/11

COMPLAINANT:

_____
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

DATE: OCTOBER 21 2011

In the Matter of Monmouth Rubber and Plastics Corporation
Docket Number EPCRA-02-2012-4104

FINAL ORDER

The Regional Judicial Officer of the United States Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement (including Attachment A) in the case of **In the Matter of Monmouth Rubber and Plastics Corporation,** bearing **Docket No. EPCRA-02-2012-4104**. Said Consent Agreement, having been duly accepted and entered into by the parties, is hereby ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of the United States Environmental Protection Agency, Region 2. 40 C.F.R. § 22.31(b) This Final Order is being entered pursuant to the authority of 40 C.F.R. §§ 22.13(b) and 22.18(b)(3) and shall constitute an order issued under authority of Section 325(c) of EPCRA 42 U.S.C. § 11045(c).

DATE: October 24, 2011

Helen S Ferrara

Helen S. Ferrara, Regional Judicial Officer
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007

In the Matter of Monmouth Rubber and Plastics Corporation
Docket No. EPCRA-02-2012-4104

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced Docket Number, in the following manner to the respective addressees below:

Original and One Copy
by Interoffice Mail:

Ms. Karen Maples, Regional Hearing Clerk
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency -Region 2
290 Broadway, 16th Floor (1631)
New York, New York 10007-1866

Copy by Certified Mail,
Return Receipt Requested:

Mr. John M. Bonforte, Sr., General Manager
Monmouth Rubber and Plastics Corporation
75 Long Branch Avenue
Long Branch, New Jersey 07740

Copy by Mail:

Mr. Andrew Oppermann, EPCRA Section 313
New Jersey Department of Environmental Protection
Division of Environmental Safety and Health
Office of Pollution Prevention and Right-To-Know
22 S. Clinton Avenue, 3rd Floor
P.O. Box 443
Trenton, New Jersey 08625-0443

Dated: NOV 0 1 2009

Mary A. Kowalski

Pesticides and Toxic Substances Branch
U.S. Environmental Protection Agency - Region 2
2890 Woodbridge Avenue (MS-105)
Edison, New Jersey 08837-3679