



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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Transmitted by electronic and express mail
Return Receipt Requested

June 28, 2012

Margaret M. Witherup
Gordon, Feinblatt, Rothman,
Hoffberger & Hollander, LLC
233 E. Redwood Street
Baltimore, MD 21202

Re: Final Settlement concerning Violations of Section 313 of EPCRA
at the Baltimore Galvanizing Company Incorporated Facility
7110 Quad Avenue, Baltimore Maryland Facility

Dear Ms. Witherup:

Enclosed you will find a true and correct copy of the fully executed Consent Agreement settling the violations of the Emergency Planning and Community Right to Know Act of 1986 ("EPCRA"), 42 U.S.C. §11023, and regulations promulgated thereunder regarding Baltimore Galvanizing Company Incorporated's facility located at 7110 Quad Avenue in Baltimore Maryland. This document was filed yesterday with the Regional Hearing Clerk. Please follow the payment directions set forth in the Consent Agreement and Final Order. If you have any comments or questions please call me at (215) 814-2478. Its been a pleasure working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Carter", written over a horizontal line.

R. Carter, Esq. Senior Regional Counsel
Office of Regional Counsel (3RC50)

cc: **Annie Holt**, *Land and Chemical Division (3LC61)*

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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, PA 19103-2029

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IN THE MATTER OF: :
: Docket No. EPCRA-03-2012-0146
Baltimore Galvanizing Company Incorporated :
241 Teal Circle : CONSENT AGREEMENT
Baldwin, Maryland 21811 :
Respondent : Proceeding under
: EPCRA §§ 313 and
: 325, 42 U.S.C. §§ 11023
: and 11045
:

CONSENT AGREEMENT

I. Preliminary Statement

This Consent Agreement is entered into by the Director of the Land and Chemicals Division of United States Environmental Protection Agency Region III (“Complainant”) or “EPA”) and Baltimore Galvanizing Company Incorporated (“Respondent”), pursuant to Sections 313 and 325 of the Emergency Planning and Community Right to Know Act of 1986 (“EPCRA”), 42 U.S.C. §§ 11023 and 11045, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Part 22.

Pursuant to Sections 22.13(b), 22.18(b)(2), and 22.18.(b)(3) of the Consolidated Rules, this Consent Agreement and attached Final Order (“CA/FO”) resolve Respondent's violations of Section 313 of EPCRA, 42 U.S.C. § 11023, and regulations promulgated thereunder concerning Respondent's obligations with respect to submitting complete and accurate information in the toxic chemical release forms it submitted to EPA and the State of Maryland for certain toxic chemicals for the reporting years 2008 and 2009 for its facility located at 7110 Quad Avenue in Baltimore Maryland (the “Facility”).

II. General Provisions

1. For purposes of this proceeding only, Respondent admits to the jurisdictional allegations set forth in this CA/FO.
2. Except as provided in Paragraph 1, above, Respondent neither admits nor denies the specific factual allegations or legal conclusions set forth in this CA/FO.

3. Respondent agrees not to contest the EPA's jurisdiction with respect to the execution of this Consent Agreement, or the Environmental Protection Agency's authority to enforce this CA/FO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives any right to contest the allegations set forth in this CA/FO or to appeal the Final Order.
5. Respondent consents to the issuance of this CA/FO and agrees to comply with its terms.
6. Respondent agrees not to deduct, for civil taxation purposes, the civil penalty to be paid in settlement of this action as specified in this CA/FO.
7. Each party to this action shall bear its own costs and attorney's fees.
8. The provisions of this CA/FO shall be binding upon Complainant, Respondent and Respondent's officers, directors, successors and assigns.
9. By signing this CA/FO, Respondent certifies, to the best of its knowledge and belief, that Respondent is currently in compliance with all applicable requirements of EPCRA Section 313, 42 U.S.C. § 11023, with respects to the Facility.

III. EPA's Findings of Fact and Conclusions of Law

10. The allegations of the preceding paragraphs are incorporated herein by reference.
11. In accordance with Sections 22.13(b) and 22.18(b)(2) of the Consolidated Rules, Complainant adopts the following findings of fact and conclusions of law.

COUNTS I through IV

12. Section 313 of EPCRA, 42 U.S.C. § 11023, requires the owner or operator of a facility that: 1) has 10 or more employees; 2) is in a primary Standard Industrial Classification ("SIC") Code 20 through 39 (as in effect on July 1, 1985); and 3) manufactured, processed or otherwise used a toxic chemical listed in 40 C.F.R. § 372.65 in excess of the threshold quantity established in Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), during the calendar year for which the form is required, to complete and submit a toxic chemical release form ("Form R") or alternate threshold report ("Form A") for each toxic chemical to EPA and the state in which the facility is located, by July 1 of the following calendar year.

13. Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3 define “facility” to mean, in relevant part, all buildings, equipment, structures and other stationary items that are located on a single site that are owned or operated by the same person.
14. Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), defines “person” to include any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body.
15. Respondent Baltimore Galvanizing Company Incorporated, is a Maryland corporation.
16. Respondent is, and was at all times relevant to this CA/FO, a “person” within the meaning of Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).
17. Respondent, at the time of the violations alleged herein, owned and operated a “facility” as defined by 40 C.F.R. §372.3, (“hereafter referred to as the “Facility”). Respondent’s Facility consisted of two buildings in an Industrial Park setting located at 7110 Quad Avenue in Baltimore, Maryland. Respondent galvanized iron, steel, and end formed products at the Facility.
18. Respondent had 10 or more full-time employees at the Facility during the period of violations alleged herein.
19. At the time of the violations alleged herein, Respondent's Facility had a primary SIC Code of 3479.
20. Pursuant to Section 313 of EPCRA, 42 U.S.C. § 11023, Respondent was required to complete and submit a Form R or Form A for each toxic chemical listed in 40 C.F.R. § 372.65 which was manufactured, processed or otherwise used at the Facility in excess of the threshold quantity established under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), during the calendar year for which the form was required, to EPA and the State of Maryland by July 1 of the following calendar year.
21. The chemical substance(s) “zinc compounds” are “toxic chemicals” as defined by 40 C.F.R. §372.3 and is listed in 40 C.F.R. § 372.65. The chemical substance(s) zinc compounds are used at the Facility and their threshold quantity is 10,000 pounds for the calendar years at issue in this CA/FO, as set forth in Section 313(f)(1)(A) of EPCRA, 42 U.S.C. § 11023(f)(1)(A).
22. The chemical substance “lead” is a “toxic chemical” as defined by 40 C.F.R.

§372.3 and is listed in 40 C.F.R. § 372.65. The chemical substance lead is processed at the Facility and its threshold quantity is 100 pounds for the calendar years at issue in this CA/FO, as set forth in Section 313(f)(1)(A) of EPCRA, 42 U.S.C. §11023(f)(1)(A).

23. Respondent used more than 10,000 pounds of the chemical substance(s) zinc compounds at the Facility during each of the calendar years 2007 and 2008.
24. Respondent processed more than 100 pounds of the chemical substance lead at the Facility during each of the calendar years 2007 and 2008.
25. Respondent submitted the required Form R for the chemical substance(s) zinc compounds and lead for the 2007 and 2008 calendar years to the Administrator of EPA and to the State of Maryland on December 12, 2009.
26. Respondent did not submit to the Administrator of EPA or to the State of Maryland the required Form A or Form R for the chemical substance(s) zinc compounds and lead for the 2007 calendar year by July 1, 2008, nor did Respondent timely submit the required Form A or Form R for chemical substance(s) zinc compounds and lead for the 2008 calendar year by July 1, 2009.
27. Respondent's failure to timely submit the required Form As or Form Rs for the chemical substance(s) zinc compounds and lead for the calendar years 2007 and 2008 to the Administrator of EPA and the State of Maryland as set forth above constitutes four (4) separate violations of Section 313 of EPCRA, 42 U.S.C. §11023.

IV. Civil Penalty

28. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), provides that any person who violates Section 313 of EPCRA, 42 U.S.C. § 11023, shall be liable to the United States for a civil penalty of up to \$25,000 per violation.
29. Pursuant to the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, as revised at 73 Fed. Reg. 75340-46 (December 11, 2008), violations occurring after March 15, 2004 and on or before January 12, 2009, the statutory maximum penalties have been raised to \$32,500 per violation. For violations occurring after January 12, 2009 the statutory maximum penalties have been raised to \$37,500 per violation.
30. Respondent agrees to pay a civil penalty in the amount of ten thousand dollars (\$10,000.00) plus any accrued interest in satisfaction of all claims for civil penalties which Complainant may have for the violations alleged in Counts I and

II of this Consent Agreement. Such civil penalty amount shall become due and payable pursuant to the schedule set forth below immediately upon Respondent's receipt of a true and correct copy of this CA/FO. Respondent agrees to pay the above civil penalty in full plus accrued interest by remitting installment payments in accordance with paragraphs 39 through 42, below.

31. The settlement embodied in this Consent Agreement is based in part upon an analysis of Respondent's ability to pay a civil penalty. This analysis was based upon information submitted to Complainant by Respondent. Respondent, by its signature to this Consent Agreement, certifies that the information it has submitted to EPA regarding its ability to pay a civil penalty concerning the violations set forth in EPA's findings of fact and conclusions of law in the Consent Agreement is accurate and not misleading. Respondent is aware that the submission of false or misleading information to the United States government may subject them to separate civil and/or criminal liability. Complainant shall have the right to institute new and separate actions to recover civil penalties for the claims made in the Consent Agreement in this matter if Complainant obtains evidence that the information provided and/or representations made by Respondent to EPA regarding its ability to pay or regarding the matters at issue in the Complaint are false or in any material respect inaccurate. This right shall be in addition to all other rights and causes of action, civil or criminal, EPA may have under law or equity in such event.
32. Failure by the Respondent to comply with the requirements of this CA/FO pursuant to the terms of this CA/FO, may subject the Respondent to an additional enforcement action, including, but not limited to, the issuance of an Administrative Complaint and the imposition of penalties as provided by Section 325 of EPCRA, 42 U.S.C. § 11045, or the accompanying Final Order.
33. The aforesaid settlement amount was also based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the violations and good faith efforts of the Respondent to comply, as provided for in Section 325 of EPCRA 325, 42 U.S.C. § 11045, and the factors set forth in the EPA Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act ("ERP"), dated August 10, 1992.
34. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, any failure by Respondent to remit payments in a timely manner or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including additional interest, penalties, and/or administrative costs of handling

delinquent debts as described below.

35. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest on the portion of the civil penalty not paid within 30 calendar days will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Accordingly, interest payments on the outstanding portion of the civil penalty to be paid in installments as set forth in the payment schedule, to which Respondent agrees, are shown in paragraph 39, below.
36. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
37. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. §901.9(d).
38. In order to avoid the assessment of administrative costs for overdue debts, as described above, Respondent must remit installment payments for the civil penalty and accrued interest in accordance with the payment schedule set forth in paragraph 39, below. In order to avoid the assessment of late payment penalty charges, as described above, Respondent must remit all payments not later than 90 days after they become delinquent.
39. Respondent shall pay a civil penalty of ten thousand dollars (\$10,000.00) in twelve (12) installments and pay interest at the rate of one percent (1.00%) per annum on the outstanding principal balance in accordance with the following schedule:
 - 1st Payment- The first payment in the amount of \$850.00 (\$00.00 of this amount is interest) shall be paid within thirty days (30) of the date on which this CA/FO was mailed or hand-delivered to Respondent.
 - 2nd Payment- The second payment in the amount of \$850.00 (\$15.04 of this

amount is interest and \$834.96 represents the principal) shall be paid within sixty days (60) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

3rd Payment- The third payment in the amount of \$850.00 (\$6.83 of this amount is interest and \$843.17 represents the principal) shall be paid within ninety days (90) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

4th Payment- The fourth payment in the amount of \$850.00 (\$6.14 of this amount is interest and \$843.86 represents the principal) shall be paid within one hundred and twenty days (120) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

5th Payment- The fifth payment in the amount of \$850.00 (\$5.45 of this amount is interest and \$844.55 represents the principal) shall be paid within one hundred and fifty days (150) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

6th Payment- The sixth payment in the amount of \$850.00 (\$4.75 of this amount is interest and \$845.25 represents the principal) shall be paid within one hundred and eighty days (180) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

7th Payment- The seventh payment in the amount of \$850.00 (\$4.06 of this amount is interest and \$845.94 represents the principal) shall be paid within two hundred and ten days (210) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

8th Payment- The eighth payment in the amount of \$850.00 (\$3.36 of this amount is interest and \$846.64 represents the principal) shall be paid within two hundred and forty days (240) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

9th Payment- The ninth payment in the amount of \$850.00 (\$2.67 of this amount is interest and \$847.33 represents the principal) shall be paid within two hundred and seventy days (270) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

10th Payment- The tenth payment in the amount of \$850.00 (\$1.97 of this amount is interest and \$848.03 represents the principal) shall be paid within three hundred days (300) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

11th Payment- The eleventh payment in the amount of \$850.00 (\$1.27 of this amount is interest and \$848.73 represents the principal) shall be paid within three hundred and thirty days (330) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

12th Payment- The twelfth and final payment in the amount of \$702.13 (\$00.58 of this amount is interest and \$701.54 represents the principal) shall be paid within three hundred and sixty five days (365) of the date on which this CA/FO was mailed or hand-delivered to Respondent.

40. Pursuant to the above schedule, Respondent will remit total payments for the civil penalty in the amount of ten thousand dollars (\$10,000.00) and interest payments totaling fifty two dollars and twelve cents (\$52.12), for a grand total of ten thousand, fifty two dollars and twelve cents (\$10,052.12).
41. **If Respondent fails to make one of the installment payments in accordance with the schedule set forth in paragraph 39, above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described in paragraphs 32 through 37, above, in the event of any such failure or default.**
42. Notwithstanding Respondent's agreement to pay the assessed civil penalty in accordance with paragraph 39, above, Respondent may pay the entire civil penalty of ten thousand dollars (\$10,000.00) within thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or to Respondent and, thereby, avoid the assessment of interest pursuant to 40 C.F.R. 13.11(a)(1).
43. Respondent shall remit the full penalty or each installment payment for the civil penalty and/or interest in accordance with paragraph 39 through 42, above, by sending a certified check or cashier's check, or by cashier's check, certified check, or electronic wire transfer, payable to "**United States Treasury**", in accordance with this Section IV, and the following instructions:
- a. All payments made by check and sent by U.S. Postal Service regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077

St. Louis, MO 63197-9000

The customer service contact for this address is Heather Russell, who may be reached at 513-487-2044.

- b. All payments made by check and sent by UPS, FedEx, or overnight mail delivery service (except as noted in section d, below) shall be addressed to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The U.S. Bank customer service contact for overnight delivery is 314-418-1028.

- c. All payments made by check in any currency drawn on banks with no branches in the United States shall be addressed for delivery to the following address:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- d. All payments made by electronic funds transfer (“EFT”) shall be directed to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read “D 68010727
Environmental Protection Agency”

The Federal Reserve customer service contact may be reached at 212-720-5000.

- e. All electronic payments made through the Automated Clearinghouse (“ACH”), also known as Remittance Express (“REX”), shall be directed

to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737

Customer service contact: John Schmid, at 202-874-7026, or REX at 1-866-234-5681

- f. On-line payment option

WWW.PAY.GOV

Enter "sfo 1.1" in the search field. Open and complete the form.

- g. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

- h. All payments by Respondent shall include Respondent's full name and address and the EPA Docket Number of this Consent Agreement (TSCA-03-2012-0146).

- I. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check, EFT authorization or ACH authorization, as appropriate to:

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Rodney Carter
Senior Assistant Regional Counsel

U.S. Environmental Protection Agency
Region III (Mail Code 3RC50)
1650 Arch Street
Philadelphia, PA 19103-2029

44. Nothing in this CA/FO shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any other provision of law.

V. Reservation of Rights

45. This CA/FO resolves only EPA's claims for civil penalties for the specific violations alleged in the CA/FO. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, 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. Further, EPA reserves any rights and remedies available to it under EPCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO, following its filing with the Regional Hearing Clerk.

VI. Full and Final Satisfaction

46. This CA/FO constitutes a full, complete and final settlement by EPA of all claims for civil penalties pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, for the specific violations alleged herein. Compliance with this CA/FO shall not be a defense to any action commenced at any time for any other violations of the federal laws and regulations administered by EPA.

VII. Other Applicable Laws

47. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed on it by applicable federal, state or local law and/or regulations.

VIII. Authority to Bind the Parties

48. The undersigned certifies that he or she is fully authorized to enter into the terms and

conditions of this Consent Agreement and to legally bind Respondent hereto.

IX. Parties Bound

49. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns.

X. Effective Date

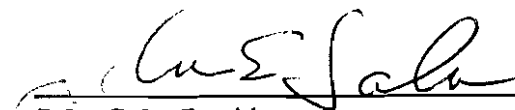
50. This CA/FO shall become effective upon filing with the Regional Hearing Clerk.

XI. Entire Agreement

51. This CA/FO constitute the entire agreement and understanding of the parties concerning settlement of all claims 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 CA/FO.

For Respondent

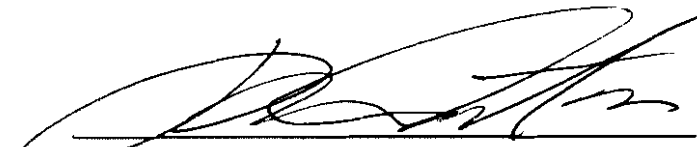
5/31/12
Date



John Sala, President
Baltimore Galvanizing Company Incorporated

For Complainant

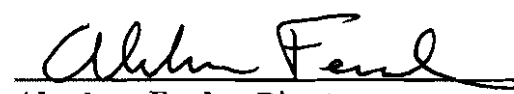
6/7/12
Date



Rodney T. Carter
Senior Assistant Regional Counsel

After reviewing the Findings of Fact and Conclusions of Law and other pertinent matters, the Director of Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, hereby recommends that the Regional Administrator or his designee, the Regional Judicial Officer, issue the attached Final Order.

6/21/12
Date



Abraham Ferdas, Director
Land and Chemicals Division (3LC00)

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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

2012 JUN 27 PM 4: 51

1650 Arch Street
Philadelphia, PA 19103-2029

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

IN THE MATTER OF:	:	Docket No.
	:	EPCRA-03-2012-0146
Baltimore Galvanizing Company Incorporated	:	
241 Teal Circle	:	FINAL ORDER
Baldwin, Maryland 21811	:	
	:	Proceeding under
Respondent	:	EPCRA §§ 313 and
	:	325, 42 U.S.C. §§ 11023
	:	and 11045


FINAL ORDER

The Director of the Land and Chemicals Division, U.S. Environmental Protection Agency- Region III ("Complainant"), and Baltimore Galvanizing Company Incorporated ("Respondent"), 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. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Consent Agreement, the civil penalty agreed to therein is based upon consideration of, *inter alia*, EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986)*, dated August 10, 1992, the statutory factors set forth in EPCRA § 325(b)(1)(c), 42 U.S.C. §11045(b)(1)(c) and the provisions and objectives of EPCRA § 313, 42 U.S.C. § 11023, NOW, THEREFORE, PURSUANT TO the Emergency Planning and Community Right to Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045(c), and the Consolidated Rules of Practice, IT IS HEREBY ORDERED that Respondent pay a civil penalty amount of **Ten Thousand Dollars (\$10,000.00)** and comply with the terms and conditions of the Consent Agreement.

This **FINAL ORDER** and the accompanying **CONSENT AGREEMENT** shall become effective upon filing with the Regional Hearing Clerk.

Date: 6/27/12


Renée Sarajian
Regional Judicial Officer
U.S. EPA - Region III

CERTIFICATE OF SERVICE

Docket Number Docket No. EPCRA-03-2012-0146

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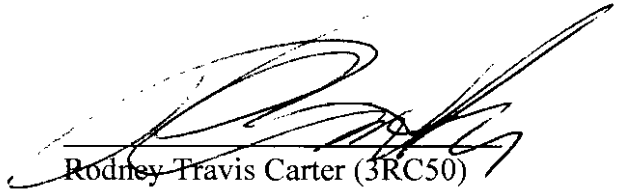
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EPA REGION III, PHILA. PA

I certify that on the date noted below, the original Consent Agreement and Final Order regarding **In the Matter of: Baltimore Galvanizing Company Incorporated** was hand-delivered to the Regional Hearing Clerk, EPA Region III, and that I caused true and correct copies of the Consent Agreement and Final Order to be transmitted by electronic facsimile and/or express or 1st class mail to the person(s) listed below:

John Sala, President
Baltimore Galvanizing Company Incorporated
care of
Margaret M. Witherup
Gordon, Feinblatt, Rothman,
Hoffberger & Hollander, LLC
233 E. Redwood Street
Baltimore, MD 21202

Date: June 27, 2012



Rodney Travis Carter (3RC50)
Senior Assistant Regional Counsel
U.S. EPA-Region III
1605 Arch Street
Philadelphia, PA 19103