



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

APR 05 2017

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number 7012 3460 0002 1650 5385

Mr. John Lionetti  
President  
Lorco Petroleum Services  
450 South Front Street  
Elizabeth, New Jersey 07202

Re: In the Matter of Lorco Petroleum Services  
Docket No. TSCA-02-2017-9101

Dear Mr. Lionetti:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region 2.

Please note that the forty-five (45) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of your payment check or documentation of electronic payment is provided to the EPA staff member listed in that section of the Agreement.

Please contact Vivian Chin of my staff at (732) 906-6179 or by electronic mail at [chin.vivian@epa.gov](mailto:chin.vivian@epa.gov), should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gorman".

John Gorman, Chief  
Pesticides and Toxic Substances Branch

Enclosure

2017 APR 11 AM 10:54  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. Environmental  
Protection Agency  
2017 APR 11 AM 10:54  
REGION 2  
CIVIL

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:  
In the Matter of :  
:  
Lorco Petroleum Services, :  
:  
Respondent. :  
:  
Proceeding under Section 16(a) of :  
the Toxic Substances Control Act. :  
-----X

CONSENT AGREEMENT  
AND  
FINAL ORDER

Docket No.  
TSCA-02-2017-9101

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits", 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), 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 ("CAFO") pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2 (hereinafter "EPA" or "Complainant"), alleges that Lorco Petroleum Services (hereinafter "Respondent") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and Respondent agree that settling this matter by entering into this 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 constitute Complainant's findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. Respondent is Lorco Petroleum Services.
2. Respondent owns, operates, and/or controls the facility in and around 450 South Front Street in Elizabeth, New Jersey (hereinafter "Respondent's facility").
3. Respondent failed to identify PCB waste submitted to the Betts Environmental & Alternative Fuel Services facility on March 10, 2016 for off-site disposal on EPA Manifest form 8700-22.
4. On or about July 21, 2016 Respondent self-disclosed that it had failed to identify PCB waste submitted to Cycle Chem, Inc. on June 29, 2016 for off-site disposal on EPA Manifest form 8700-22.
5. On or about December 7, 2016, Complainant sent to Respondent a "Notice of Opportunity Related to Enforcement Action Under The Toxic Substances Control Act", which alleged that Respondent had violated the PCB regulations at 40 C.F.R. Part 761.
6. On December 19, 2016, the parties met for an informal settlement conference.

#### CONCLUSIONS OF LAW

1. Respondent, as the owner and/or operator of the facility which is the subject of this CAFO, is subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.
2. Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.
3. Failure to identify PCB waste submitted for off-site disposal on EPA Manifest form 8700-22 is a violation of 40 C.F.R. § 761.207(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e) and 2614(1)(C).

- 5) Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency";
- 6) Name of Respondent; and
- 7) Docket Number.

Payment of the first installment must be received at the above address (or account of EPA) on or before **45 calendar days** after the effective date. The effective date of this Order shall be the date of the signature of the Final Order at the end of this document. Payment of the second installment must be received at the above address within six (6) months of the date of the first payment (the date by which payment must be received shall hereinafter be referred to as the "due date"). If Respondent fails to pay any of the above payments by its due date, Respondent shall pay an additional stipulated penalty of One Thousand Dollars (\$1,000) for each such failure unless, prior to the due date, Respondent has demonstrated good cause for a modification of the schedule and Complainant has agreed in writing to a modified payment schedule. Promptly after payments have been made, Respondent shall send copies of these payments or furnish reasonable proof that such payments have been made to both:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007

and

Vivian Chin, Environmental Engineer  
Pesticides and Toxic Substances Branch  
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 or the U.S. Department of the Treasury for collection.

b. Further, if payments are 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 the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15 will be assessed for each 30-day

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall comply with, the following terms:

1. Respondent shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it.
2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section, above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.
3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **FORTY-THREE THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$43,350)** payable in two installments of **TWENTY-ONE THOUSAND SIX HUNDRED AND SEVENTY-FIVE DOLLARS (\$21,675)** each, to the "Treasurer of the United States of America". The checks shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Such checks shall be mailed to:

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

Alternatively, payments may be made by Electronic Fund Transfer (EFT) directed to the Federal Reserve Bank of New York. 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: 68010727;
- 4) ABA number: 021030004;

period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

4. Full payment of the penalty described in paragraph 3, above, shall only resolve Respondent's liability for federal civil penalties for the violations and facts described in paragraphs 3 and 4 in the "Findings of Fact" section, above, and paragraph 3 in the "Conclusions of Law" section, above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

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. Respondent hereby waives its right to seek or to obtain any hearing (pursuant to Subpart D of 40 C.F.R. Part 22) or other judicial proceeding on the assertions contained in the "Findings of Fact" section, above, and the allegations contained in the "Conclusions of Law" section, above, or on any allegations arising thereunder. Respondent further waives its right otherwise to contest all such assertions and/or allegations.

7. This Consent Agreement does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations.

8. 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 terms and conditions set forth in this Consent Agreement.

9. Each party shall bear its own costs and fees in this matter.

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

RESPONDENT:

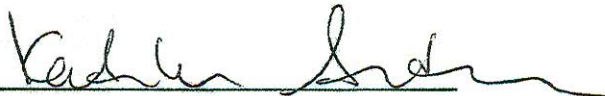
BY:   
Lorco Petroleum Services

NAME: Frank Lobello  
(PLEASE PRINT)

TITLE: V.P.

DATE: 3-1-17

COMPLAINANT:

  
Kathleen Anderson, Acting Director  
Division of Enforcement and  
Compliance Assistance  
U.S. Environmental Protection  
Agency, Region 2  
290 Broadway  
New York, New York 10007

**MAR - 7 2017**  
DATE: \_\_\_\_\_

In the Matter of Lorco Petroleum Services  
Docket Number TSCA-02-2017-9101

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of In the Matter of Lorco Petroleum Services, bearing Docket Number TSCA-02-2017-9101. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under Section 6 of the Toxic Substances Control Act, 15 U.S.C. § 2605 for purposes of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

DATE: March 23, 2017  
Catherine R. McCabe *CMC*

Catherine McCabe  
Acting Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, New York 10007



In the Matter of Lorco Petroleum Services  
Docket Number TSCA-02-2017-9101

CERTIFICATE OF SERVICE

This is to certify that on the 5<sup>th</sup> day of April, 2017, I served a true and correct copy of the foregoing fully executed Consent Agreement and Final Order bearing Docket Number TSCA-02-2017-9101, by certified mail, return receipt requested, to:

Mr. John Lionetti  
President  
Lorco Petroleum Services  
450 South Front Street  
Elizabeth, New Jersey 07202

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York 10007 two copies of the foregoing Consent Agreement and Final Order.

