



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

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<b>In the Matter of:</b>	)	
	)	<b>EPA Docket No.: EPCRA-03-2016-0099</b>
<b>Blue Ridge Solvents and Coatings, Inc.</b>	)	<b>CAA-03-2016-0099</b>
<b>3800 Original Henry Road</b>	)	
<b>Henry, Virginia 24102,</b>	)	<b>Proceeding Pursuant to Section 312 and</b>
	)	<b>325 of the Emergency Planning and</b>
<b>Respondent.</b>	)	<b>Community Right-to-Know Act, 42 U.S.C.</b>
	)	<b>§§ 11022, 11045, Sections 112(r) and 113 of</b>
	)	<b>the Clean Air Act, 42 U.S.C. §§ 7412(r), 7413,</b>
<b>3800 Original Henry Road</b>	)	<b>and 40 C.F.R. § 22.13(b), 22.18(b)</b>
<b>Henry, Virginia 24102,</b>	)	
	)	
<b>Facility.</b>	)	
	)	

**CONSENT AGREEMENT**

**STATUTORY AUTHORITY**

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 325 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045, Section 113(d) of the Clean Air Act, as amended (the “CAA”), 42 U.S.C. § 7413(d), and under the authority provided by 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 (“Part 22”). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III (“Complainant”).

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as “CA/FO”) as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b) and 22.18(b)(2) and (3), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

RU

### JURISDICTION

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2) and (8).
2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. § 22.4(b) and 22.18(b)(3).
3. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order and the enforcement of this CA/FO.
4. With the exception of Paragraph 3, above, for the purpose of this proceeding, Respondent neither admits nor denies the factual allegations or conclusions of law set forth in this Consent Agreement, but expressly waives its rights to contest said allegations.

### EPA'S FINDINGS OF FACT

5. Respondent, Blue Ridge Solvents and Coatings, Inc., is a corporation organized in the Commonwealth of Virginia, with its principal place of business located at 3800 Original Henry Road, in Henry, Virginia.
6. At all times relevant to this CA/FO, Respondent has been the owner or operator of the chemical distribution facility located 3800 Original Henry Road in Henry, Virginia ("Facility").
7. On or about May 28, 2014, EPA sent an information request to Respondent pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, to determine whether the Facility was in compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions of 40 C.F.R. Part 68. Respondent submitted responses to this information request to EPA on June 4, 2014 and September 22, 2014.
8. On March 25, 2015, EPA sent an information request to Respondent pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9604(e), to determine Respondent's compliance with the hazardous chemical reporting requirements of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021, 11022. Respondent submitted to EPA a response to the information request on April 22, 2015.
9. Respondent has provided additional oral and written information to EPA in response to questions raised during discussions between the parties.

10. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged CAA violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

**COUNT 1**  
**EPA'S FINDINGS OF FACT RELATED TO THE**  
**VIOLATION OF SECTION 312 OF EPCRA - 2012**

11. The findings of fact and conclusions of law contained in paragraphs 5 through 10 of this CA/FO are incorporated by reference herein as though fully set forth at length.

12. Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. Part 370, requires the owner or operator of a facility required to prepare or have available a Material Safety Data Sheet ("MSDS") for a hazardous chemical in accordance with OSHA's Hazard Communication Standard, 29 U.S.C. §§ 651 et seq., and 29 C.F.R. § 1910.1200, and at which facility a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an extremely hazardous substance ("EHS")) is present at any one time during a calendar year in a quantity equal to or greater than its applicable minimum threshold level for reporting ("MTL") or threshold planning quantity ("TPQ") to submit on or before March 1, 1988, and by March 1st of each year thereafter, a completed Emergency and Hazardous Chemical Inventory Form ("Chemical Inventory Form") for the previous calendar year identifying the hazardous chemical and providing the information described in Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), to the appropriate State Emergency Response Commission ("SERC"), Local Emergency Planning Committee ("LEPC"), and local fire department with jurisdiction over the facility.

13. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes EPA to commence an administrative action to assess civil penalties of not more than \$25,000 per day for each violation of Section 312 of EPCRA that occurs before January 30, 1997. Section 325, as amended by the Debt Collection Improvement Act of 1996 and the subsequent Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, authorizes EPA to commence an administrative action to assess civil penalties of not more than \$37,500 for each violation of Section 312 of EPCRA that occurs after January 12, 2009.

14. At all times relevant to this CA/FO, Respondent has been the owner or operator of the Facility within the meaning of Section 312 of EPCRA, 42 U.S.C. § 11022.

15. As a corporation, Respondent is a "person" under Section 329 of EPCRA, 42 U.S.C. § 11049(7), and an "operator" within the meaning of Section 312 of EPCRA, 42 U.S.C. § 11022, and its regulations at 40 C.F.R. Part 370.

16. The Facility is a “facility” as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and its regulations, 40 C.F.R. § 370.66.

17. Respondent is an “employer,” as that term is defined at 29 C.F.R. § 1910.1200(c), because Respondent is engaged in a business where chemicals are either used, distributed, or are produced for use or distribution.

18. Respondent is required to have an MSDS at its Facility for each hazardous chemical it uses, pursuant to 29 C.F.R. § 1910.1200(g).

19. According to information submitted to EPA by Respondent, Respondent had present at the Facility during calendar years 2012, 2013, and 2014 the following 20 chemicals in amounts exceeding their respective thresholds:

	Threshold (in lbs)	2012 (in lbs)	2013 (in lbs)	2014 (in lbs)
Acetone	10,000	50,000	48,000	45,000
Chlorine	100	17,550	17,550	17,550
Duplicating Fluid	10,000	30,000	35,000	35,000
Ethyl acetate	10,000	20,000	22,530	22,530
Formaldehyde (37%)	500	500	500	500
Heptane	10,000	18,000	14,000	45,000
Isopropal acetate	10,000	15,000	12,500	45,000
Isopropyl alcohol	10,000	30,000	30,000	35,000
Methyl ethyl ketone	10,000	14,000	15,000	45,000
MSC-133	10,000	20,000	18,000	22,000
N-butyl acetate	10,000	20,000	20,000	50,000
NC-906	10,000	21,600	21,600	21,600
N-propanol	10,000	13,000	19,000	22,000
Nitrocellulose (wetted) (70%)	10,000	15,000	15,000	16,000
N-methyl-2- pyrrolldone	10,000	45,000	30,000	60,000
Toluene	10,000	14,500	15,000	45,000
W0-01 thinner	10,000	30,000	25,000	38,500
Soda ash light	10,000	23,500	23,500	23,500
Sulfur dioxide	500	2,700	2,700	2,700
Sulfuric acid	1,000	5,000	6,000	6,000

20. All of the chemicals listed in the preceding paragraph are “hazardous chemicals” as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 40 C.F.R. § 370.66, and are subject to Section 312 of EPCRA, 42 U.S.C. § 11022, pursuant to Section 312(c) of EPCRA, 42 U.S.C. § 11022(c).

21. The MTL for each of the hazardous chemicals is listed in paragraph 19, above.

22. Respondent is the owner or operator of a facility that is required to prepare or have available MSDSs for the hazardous chemicals listed above under the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651, et seq., and 29 C.F.R. § 1910.1200.

23. Respondent had present at the Facility during calendar years 2012, 2013 and 2014, 20 chemicals in quantities equal to or exceeding their respective MTLs.

24. The SERC for the Facility for purposes of emergency planning and community right-to-know is the SARA Title III Program Office, Virginia Department of Environmental Quality, Division of Land Protection and Revitalization, at 629 East Main Street in Richmond, Virginia.

25. The LEPC for the Facility is the Franklin County Local Emergency Planning Committee, located at 70 East Court Street, Suite 305, in Rocky Mount, Virginia.

26. The local fire department for the Facility is the Franklin County Fire Marshal, located at 1488 Franklin Street, in Rocky Mount, Virginia.

27. On or about April 23, 2015, Respondent submitted to the SERC, LEPC, and local fire department, a Chemical Inventory Form for calendar year 2012 identifying the 20 hazardous chemicals as present at the Facility in quantities equal to or greater than the MTL, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).

28. Respondent failed to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2012 identifying the total quantity of the 20 hazardous chemicals present at the Facility during the calendar year.

**EPA’S CONCLUSION OF LAW RELATED TO THE  
VIOLATION OF SECTION 312 OF EPCRA - 2012**

29. Respondent’s failure to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2012 constitutes a violation of Section 312 of EPCRA, 42

U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**COUNT 2**  
**EPA'S FINDINGS OF FACT RELATED TO THE**  
**VIOLATION OF SECTION 312 OF EPCRA - 2013**

30. The findings of fact and conclusions of law contained in paragraphs 5 through 29 of this CA/FO are incorporated by reference herein as though fully set forth at length.

31. On or about April 23, 2015, Respondent submitted to the SERC, LEPC, and local fire department, a Chemical Inventory Form for calendar year 2013 identifying the 20 chemicals listed in paragraph 19, above, as present at the Facility in quantities equal to or greater than the MTL, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).

32. Respondent failed to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2013 identifying the total quantity of the 20 hazardous chemicals present at the Facility during the calendar year.

**EPA'S CONCLUSION OF LAW RELATED TO THE**  
**VIOLATION OF SECTION 312 OF EPCRA - 2013**

33. Respondent's failure to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2013 constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**COUNT 3**  
**EPA'S FINDINGS OF FACT RELATED TO THE**  
**VIOLATION OF SECTION 312 OF EPCRA - 2014**

34. The findings of fact and conclusions of law contained in paragraphs 5 through 33 of this CA/FO are incorporated by reference herein as though fully set forth at length.

35. On or about April 23, 2015, Respondent submitted to the SERC, LEPC, and local fire department, a Chemical Inventory Form for calendar year 2014 identifying the 20 hazardous chemicals listed in paragraph 19, above, as present at the Facility in quantities equal to or greater than the MTL, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).

36. Respondent failed to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2014 identifying the total quantity of the 20 hazardous chemicals present at the Facility during the calendar year.

**EPA'S CONCLUSION OF LAW RELATED TO THE  
VIOLATION OF SECTION 312 OF EPCRA - 2014**

37. Respondent's failure to timely submit to the SERC, LEPC, and local fire department with jurisdiction over the Facility a complete and accurate Chemical Inventory Form for the Facility for calendar year 2014 constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**COUNT 4**  
**EPA'S FINDINGS OF FACT RELATED TO THE  
VIOLATIONS OF SECTION 112(r)(1) OF THE CLEAN AIR ACT**

38. The findings of fact and conclusions of law contained in paragraphs 5 through 37 of this CA/FO are incorporated by reference herein as though fully set forth at length.

39. On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act Amendments added Section 112(r) to the CAA, 42 U.S.C. § 7412(r).

40. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), mandates the Administrator to promulgate a list of substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment. The list of regulated substances can be found in 40 C.F.R. § 68.130.

41. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), the owners and operators of stationary sources producing, processing, handling or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty, in the same manner and to the same extent as 29 U.S.C. § 654, to identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur. Section 112(r)(1) is hereinafter referred to herein as the "General Duty Clause."

42. The General Duty Clause applies to any stationary source producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the CAA, or other extremely hazardous substances. Extremely hazardous substances include, but are not limited to, regulated substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), at 40 C.F.R. § 68.130, and chemicals on the list of extremely hazardous substances published under EPCRA at 40 C.F.R. Part 355, Appendices A and B.

43. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), defines “stationary source,” as “any buildings, structures, equipment, installations, or substance emitting stationary activities (i) which belong to the same industrial group, (ii) which are located on one or more contiguous properties, (iii) which are under the control of the same person (or persons under common control), and (iv) from which an accidental release may occur.”

44. Section 113(d)(1)(B), 42 U.S.C. § 7413(d)(1)(B), as amended by the Debt Collection Improvement Act of 1996, authorizes EPA to commence an administrative action to assess civil penalties of not more than \$37,500 per day for each violation of Section 112(r) of the CAA that occurs after January 12, 2009.

45. According to information provided by Respondent to EPA, at all times relevant to this Consent Agreement, Respondent has stored 150-pound cylinders of chlorine at the Facility in a concrete-blocked storage room.

46. Applicable industry standards for the proper storage of compressed gases include National Fire Protection Association 55, *Compressed Gases and Cryogenics Fluid Code* (“NFPA 55”), and the International Fire Code (“IFC”) and which provide as follows.

- a. Under NFPA 55, toxic compressed gases are covered in Section 7.9 of NFPA 55. Ventilation for indoor storage is addressed in Section 7.9.2.1 and 7.9.2.1.3 - Gas Rooms. This section refers back to Section 6.4. Section 6.4.1 provides that gas rooms shall operate at a negative pressure in relationship to the surrounding area. Section 6.4.2 provides that gas rooms shall be provided with an exhaust ventilation system.
- b. In the IFC, ventilation for compressed gas is addressed in Chapter 53, Section 1503.16.9. This section identifies a ventilation rate of 1 cubic feet per meter (“cfm”) per square foot but not less than 150 cfm.

47. Based on information provided by Respondent to EPA, the ventilation in the chlorine storage room at the Facility consisted of a passive vent stack, a partially opened window and a louvered door; there was no other exhaust ventilation system to provide the necessary ventilation rate or negative pressure.



48. EPA determined that the necessary exhaust for the chlorine storage room, which is 126 square feet, is 150 cfm.

49. EPA determined that the amount of natural ventilation present in the chlorine storage room consists of the louvered area of the door and the window, 274 square inches and 144 square inches, respectively. These sources of natural ventilation provide insufficient air flow to provide 150 cfm of ventilation; therefore mechanical ventilation would be required to achieve protection consistent with IFC Chapter 53 and NFPA 55.

50. In January 2016, after EPA alerted Respondent to possible ventilation deficiencies in the chlorine storage room, Respondent installed mechanical ventilation in the chlorine storage room to address this condition.

51. EPA determined that Respondent failed to store toxic materials in the chlorine storage room at the Facility with sufficient ventilation to provide safety consistent with industry standards.

**EPA'S CONCLUSIONS OF LAW RELATED TO THE VIOLATIONS OF SECTION 112(r)(1) OF THE CLEAN AIR ACT**

52. The findings of fact contained in Paragraphs 5 through 51 of this CA/FO are incorporated by reference herein as though fully set forth at length.

53. Respondent is a "person" as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

54. At all times relevant to this CA/FO, Respondent has been the owner or operator of Facility, as for purposes of Section 112(r)(1) of the CAA.

55. The Facility is a "stationary source" pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

56. Chlorine is an extremely hazardous substances for purposes of Section 112(r)(1) of the CAA because it is a listed toxic substance under 40 C.F.R. § 68.130, Table 1.

57. Respondent is subject to the requirements of Section 112(r)(1) of the CAA at the Facility because Respondent is the owner and operator of the stationary source.

58. Prior to Respondent's correction of the ventilation in the chlorine storage room to provide safety consistent with NFPA 55 and the IFC, Respondent failed to comply with the requirement of Section 112(r)(1) of the CAA to design and maintain a safe facility taking such steps as are necessary to prevent accidental releases.

59. Respondent has violated Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), because Respondent failed to design a safe facility to address the hazards posed by the storage and handling of toxic substances. Respondent is, therefore, subject to the assessment of penalties under Section 113 of the CAA, 42 U.S.C. § 7413.

### SETTLEMENT

60. In full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violations of Section 312 of EPCRA, 42 U.S.C. § 11022, set forth above, and the in the amount of \$14,932 (“EPCRA Penalty”), and a civil penalty for the violation of Section 112(r)(1) of the Clean Air Act, 42 U.S.C. § 7412(r)(1), set forth above, in the amount of \$6,459 (“CAA Penalty”), for a total penalty of \$21,391 (“Civil Penalty”).

61. Respondent consents to the issuance of this Consent Agreement, and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing Paragraph, as set forth below.

### PAYMENT TERMS

62. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent agrees to:

a. Pay the civil penalty of \$21,391 (“Civil Penalty”) for the EPCRA and CAA violations in six (6) installments with interest on the outstanding principal balance in accordance with the following schedule, with each and every payment identified with “EPA Docket Nos. EPCRA-03-2016-0099; CAA-03-2016-0099,” and using one of the methods identified in Subparagraphs 62.b-e, below:

- (i) 1st Payment: The first payment in the amount of \$3,575.57, consisting of a principal payment of \$3,557.74 and an interest payment of \$17.83, shall be paid within thirty (30) days of the Effective Date of this Agreement;
- (ii) 2nd Payment: The second payment in the amount of \$3,575.57, consisting of a principal payment of \$3,560.71 and an interest payment of \$14.86, shall be paid within sixty (60) days of the Effective Date of this Agreement;

- (iii) 3<sup>rd</sup> Payment: The third payment in the amount of \$3,575.57, consisting of a principal payment of \$3,563.68 and an interest payment of \$11.89, shall be paid within ninety (90) days of the Effective Date of this Agreement;
- (iv) 4<sup>th</sup> Payment: The fourth payment in the amount of \$3,575.57, consisting of a principal payment of \$3,566.65 and an interest payment of \$8.92, shall be paid within one hundred twenty (120) days of the Effective Date of this Agreement;
- (v) 5<sup>th</sup> Payment: The fifth payment in the amount of \$3,575.57, consisting of a principal payment of \$3,569.62 and an interest payment of \$5.95, shall be paid within one hundred fifty (150) days of the Effective Date of this Agreement; and
- (vi) 6<sup>th</sup> Payment: The sixth payment in the amount of \$3,575.57, consisting of a principal payment of \$3,572.60 and an interest payment of \$2.97, shall be paid within one hundred (180) days of the Effective Date of this Agreement.

b. *Check.*

- (i) All checks shall be made payable to United States Treasury;
- (ii) All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000  
Contact: Heather Russell, 513-487-2044

- (iii) All payments made by check and sent by overnight delivery service shall be addressed for delivery 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

Contact: 314-418-1028

- (iv) All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

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

- c. *Electronic Wire Transfer.* All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York  
ABA = 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

- d. *ACH.* 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  
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- e. *On-Line Payment Option.*

WWW.PAY.GOV/PAYGOV  
Enter sfo 1.1 in the search field. Open and complete the form.

- f. Additional payment guidance is available at:

<http://www2.epa.gov/financial/additional-instructions-making-payments-epa>

g. Within 24 hours of payment of the Civil Penalty, Respondent shall send proof of payment to:

Cynthia T. Weiss  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (3RC42)  
Philadelphia, PA 19103-2029  
[weiss.cynthia@epa.gov](mailto:weiss.cynthia@epa.gov)

and

Lydia Guy  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (3RC42)  
Philadelphia, PA 19103-2029

The term “proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with “EPA Docket Nos. EPCRA-03-2016-0099/CAA-03-2016-0099.”

63. The EPCRA Penalty stated herein is consistent with 40 C.F.R. Part 19, and is based upon Complainant’s consideration of a number of factors, including, but not limited to, those set forth in EPA’s Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (September 30, 1999).

64. The CAA Penalty stated herein is based upon Complainant’s consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), and is consistent with 40 C.F.R. Part 19 and the *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* (June 2012).

65. 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, Respondent's failure to make timely payment by the final due date or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

66. 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. However, EPA will waive interest on any amount of the civil penalty that is paid by the final due date. Interest 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).

67. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 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 final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

68. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 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, in accordance with 31 C.F.R. § 901.9(d).

#### **GENERAL PROVISIONS**

69. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 325 of EPCRA, 42 U.S.C. § 11045, and under Section 113(d)(2) of the CAA, 42 U.S.C. § 7413(d)(2).

70. The provisions of the CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

71. This CA/FO resolves only those civil claims which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

72. By signing this Consent Agreement, Respondent acknowledges that this CA/FO will be available to the public and agrees that this Consent Agreement does not contain any confidential business information or personally identifiable information.

73. Each party to this action shall bear its own costs and attorney's fees.

74. This Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

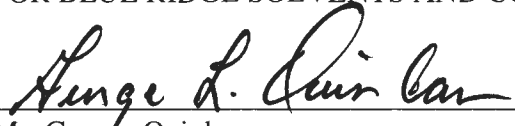
75. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with all applicable provisions of EPCRA, the CAA and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.



In re: Blue Ridge Solvents and Coatings, Inc.

EPCRA-03-2016-0099  
CAA-03-2016-0099

FOR BLUE RIDGE SOLVENTS AND COATINGS, INC.

  
\_\_\_\_\_  
Mr. George Quinlan  
President

  
\_\_\_\_\_  
Date






In re: Blue Ridge Solvents and Coatings, Inc.

EPCRA-03-2016-0099  
CAA-03-2016-0099

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Karen Melvin, Acting Director  
Hazardous Site Cleanup Division

MAR 23 2016

Date

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

In the Matter of:	)	
	)	EPA Docket No.: EPCRA-03-2016-0099
Blue Ridge Solvents and Coatings, Inc.	)	CAA-03-2016-0099
3800 Original Henry Road	)	
Henry, Virginia 24102,	)	Proceeding Pursuant to Section 312 and
	)	325 of the Emergency Planning and
Respondent.	)	Community Right-to-Know Act, 42 U.S.C.
	)	§§ 11022, 11045, Sections 112(r) and 113 of
	)	the Clean Air Act, 42 U.S.C. §§ 7412(r), 7413,
3800 Original Henry Road	)	and 40 C.F.R. § 22.13(b), 22.18(b)
Henry, Virginia 24102,	)	
	)	
Facility.	)	
_____	)	

**FINAL ORDER**

Complainant, the Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, Blue Ridge Solvents and Coatings, 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 references to Sections 22.1(a)(2) and (8), 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 on the representations of the parties in the attached Consent Agreement, the penalty agreed to herein is consistent with 40 C.F.R. Part 19, and is based upon consideration of, *inter alia*, the statutory factors set forth in Section 113(e) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(e), EPA's *Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68* (June 2012), the penalty authority set forth in Section 325(c) of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045(c), and the penalty factors set forth in EPA's *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act* (September 30, 1999).

**NOW, THEREFORE, PURSUANT TO** Section 113(d) of the CAA, 42 U.S.C. § 7413(d), Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **TWENTY-ONE**

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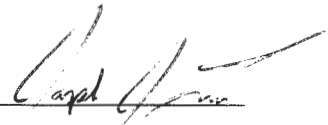
In re: Blue Ridge Solvents and Coatings, Inc.

EPCRA-03-2016-0099  
CAA-03-2016-0099

**THOUSAND THREE HUNDRED NINETY-ONE DOLLARS** (\$21,391.00), plus any applicable interest, and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: March 30, 2016

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA, Region III

see



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

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In the Matter of: )  
Blue Ridge Solvents and Coatings, Inc. )  
3800 Original Henry Road )  
Henry, Virginia 24102 )  
Respondent. )  
3800 Original Henry Road )  
Henry, Virginia 24102 )  
Facility. )  
\_\_\_\_\_ )

EPA Docket No.: EPCRA-03-2016-0099  
CAA-03-2016-0099  
Proceeding Pursuant to Section 312 and  
325 of the Emergency Planning and  
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§§ 11022, 11045, Sections 112(r) and 113 of  
the Clean Air Act, 42 U.S.C. §§ 7412(r), 7413,  
and 40 C.F.R. § 22.13(b), 22.18(b)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Consent Agreement and Final Order, along with enclosures and/or attachments, for the above-referenced matter, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that a true and correct copy of the Consent Agreement and Final Order, along with its enclosures and/or attachments, was sent to:

Via overnight mail

George Quinlan, President  
Blue Ridge Solvents and Coatings, Inc.  
3800 Original Henry Road  
Henry, Virginia 24102

MAR 30 2016  
Date

Cynthia T. Weiss  
Cynthia T. Weiss (3RC42)  
Senior Assistant Regional Counsel