

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

FILED

Oct 22, 2024

9:58 am

U.S. EPA REGION 3  
HEARING CLERK

In the Matter of:

DAP Global, Inc.  
2400 Boston Street  
Baltimore, MD 21224-4775

Respondent.

4630 N. Point Boulevard  
Sparrows Point, Maryland 21219

Facility.

:  
:  
: U.S. EPA Docket No. EPCRA-03-2025-0009  
:  
: Proceeding under 325(c) of the Emergency  
: Planning and Community Right-to-Know Act,  
: 42 U.S.C. § 11045(c)  
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**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and DAP Global, Inc. ("Respondent") (collectively the "Parties"), pursuant to Section 325(c) of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045(c), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Section 325(c) of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045(c), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under Emergency Planning and Community Right-to-Know Act ("EPCRA" or the "Act") for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

### **JURISDICTION**

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(8).

### **GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in **this Consent Agreement and Final Order** and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
11. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Consent Agreement.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.

13. Respondent is a Delaware corporation that manufactures caulks, sealants, foam, adhesives, patch and repair products, and that owns and operates a facility located at 4630 N. Point Boulevard in Sparrows Point, Maryland ("Facility").
14. Respondent is a "person" as that term is defined in Section 329(7) of EPCRA, 42 U.S.C. § 11049(7) and is subject to the assessment of civil penalties for the violations alleged herein.
15. Sections 313(a) and (b) of EPCRA, 42 U.S.C. §§ 11023(a) and (b), require owners or operators of a covered facility that, in any calendar year, manufactures, processes or otherwise uses a toxic chemical listed under Section 313(c) of EPCRA, 42 U.S.C. § 11023(c), in quantities exceeding the regulatory threshold established under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), to complete and submit a Toxics Release Inventory ("TRI") report for each such listed toxic chemical.
16. The EPA promulgated EPCRA implementing *Toxic Release Reporting: Community Right-to-Know* regulations at 40 C.F.R. Part 372.
17. Each required TRI report must include the information required under Section 313(g) of EPCRA, 42 U.S.C. § 11023(g), and be submitted to the EPA and to the designated State agency by July 1 of the year following the year for which such TRI report pertains. *See also* 40 C.F.R. §§ 372.30; 372.25(a) and (d); and 372.65(c).
18. Under Section 313(b) of EPCRA, 42 U.S.C. § 11023(b), in relevant part, covered facilities include facilities in Standard Industrial Classification ("SIC") codes 20-39 (2000-3900), among others, that have ten or more full-time (or the equivalent) employees and who, during any calendar year, manufacture, process or otherwise use a listed toxic chemical in excess of an established regulatory threshold quantity. *See also* 40 C.F.R. §§ 372.22 and 40 C.F.R. §§ 372.23.
19. Pursuant to Section 313(f)(1) of EPCRA, 42 U.S.C. § 11023(f)(1), the reporting threshold for toxic chemicals manufactured or processed at a facility is 25,000 pounds (lbs), unless the Administrator establishes a revised threshold pursuant to 42 U.S.C. § 11023(f)(2) or an exemption under 40 C.F.R. § 372.38 applies. *See also* 40 C.F.R. §§ 372.25(a) and (d); and 372.65(c).
20. On September 4, 2024, Respondent self-disclosed that it failed to submit to the EPA and to the State of Maryland a TRI report that included the information required by Section 313(g) of EPCRA, 42 U.S.C. § 11023(g), for the toxic chemical category nonylphenol ethoxylates for calendar year 2019 ("2019 NPE TRI Report"). On September 9, 2024, Respondent submitted its 2019 NPE TRI Report to the EPA and to the State of Maryland and, on this same date, the EPA issued a Notice of Determination pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000)

resolving Respondent's civil penalty liability in connection with its 2019 NPE TRI Report with no assessment of a civil penalty.

**Count I**  
**Failure to Submit Timely Toxic Release Inventory Reports**

21. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
22. On May 15, 2024, EPA Inspectors conducted an inspection of the Facility to determine compliance with the TRI reporting requirements of Section 313 of EPCRA and 40 C.F.R. Part 372 in calendar years 2020, 2021, and 2022 (the "Inspection").
23. The observations of the EPA Inspectors and the information provided to the EPA by Respondent during and following the Inspection show that the amounts of nonylphenol ethoxylates processed at the Facility during calendar years 2020 and 2021 were as follows:

Reporting Year	Chemical	Manufactured, Processed, or Otherwise Used	Total lbs. of Chemical	Threshold for Reporting (lbs.)
2020	Nonylphenol Ethoxylates	Processed	338,205	25,000
2021	Nonylphenol Ethoxylates	Processed	401,186	25,000

24. The observations of the EPA Inspectors and the information provided to the EPA by Respondent during and following the Inspection show that at all times relevant to the violations alleged herein, the Facility:
- had 10 or more full-time employees in 2020 and 2021 (i.e., approximately 140 in 2020 and approximately 139 in 2021);
  - had a primary SIC code of 2891, which is between 20 [2000] and 39 [3900] (as in effect on January 1, 1987) in 2020 and 2021;
  - processed nonylphenol ethoxylates, a chemical category listed in 40 C.F.R. § 372.65(c), in excess of the threshold quantities established under Section 313(f)(1)(B)(iii) of EPCRA, 42 U.S.C. § 11023(f)(1)(B)(iii) and 40 C.F.R. § 372.25(a) (i.e., 25,000 lbs.) during calendar years 2020 and 2021;
  - was a *covered facility* within the meaning of 40 C.F.R. § 372.22 during calendar years 2020 and 2021; and

- e. was subject to the TRI reporting requirements of Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 for the listed toxic chemical category nonylphenol ethoxylates during calendar years 2020 and 2021.
- 25. The observations of the EPA Inspectors and the information provided to the EPA by Respondent during and following the Inspection further show that Respondent failed to submit to the EPA and to the State of Maryland a TRI report that included the information required by Section 313(g) of EPCRA, 42 U.S.C. § 11023(g), for the toxic chemical category nonylphenol ethoxylates for calendar years 2020 and 2021, by July 1, 2021 and July 1, 2022, respectively. Respondent submitted both its 2020 and 2021 TRI reports (Form R) for nonylphenol ethoxylates on May 30, 2024.
- 26. Respondent's conduct described in the preceding paragraphs constitutes two (2) violations of Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30, and subjects Respondent to the assessment of a civil penalty pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1). *See also* 40 C.F.R. § 372.18.

#### **CIVIL PENALTY**

- 27. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of *SEVENTY-FOUR THOUSAND* dollars (\$74,000), which Respondent shall be liable to pay in accordance with the terms set forth below.
- 28. The civil penalty is based upon the EPA's consideration of a number of factors. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1987) and Section 6607 of the Pollution Prevention Act (1990)*, Feb. 24, 2017 (amended), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
- 29. Respondent agrees to pay a civil penalty in the amount of \$74,000 ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
- 30. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

31. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement (Docket No. EPCRA-03-2025-0009)
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

Jennifer M. Abramson  
Senior Assistant Regional Counsel  
[Abramson.Jennifer@epa.gov](mailto:Abramson.Jennifer@epa.gov),

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)  
and

U.S. EPA Region 3 Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

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

32. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service ("IRS") standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first

thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.

- 33. Late Penalty Actions. In addition to the amounts described in the prior paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.
  - a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
  - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
  - b. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
  - d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.
- 34. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
- 35. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
- 36. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of

such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

37. Failure by the Respondent to pay the CERCLA civil penalty and the EPCRA civil penalty assessed by the Final Order in accordance with the terms of this Consent Agreement and Final Order may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.]
38. The parties consent to service of the Final Order by e-mail at the following valid email addresses: [Abramson.Jennifer@epa.gov](mailto:Abramson.Jennifer@epa.gov) (for Complainant), and [WLavey@mdllp.net](mailto:WLavey@mdllp.net) (for Respondent).
39. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the IRS annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, **including** amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:
  - a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
  - b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;



- c. Respondent shall email its completed Form W-9 to the EPA's Cincinnati Finance Center at [henderson.jessica@epa.gov](mailto:henderson.jessica@epa.gov), within 30 days after the Final Order ratifying this Consent Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
  - i. notify the EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order per Paragraph 46; and
  - ii. provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

#### **GENERAL SETTLEMENT CONDITIONS**

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

**OTHER APPLICABLE LAWS**

43. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the EPCRA. or any regulations promulgated thereunder.

**RESERVATION OF RIGHTS**

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

**EXECUTION /PARTIES BOUND**

45. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

**EFFECTIVE DATE**

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

**ENTIRE AGREEMENT**

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

*In the Matter of: DAP Global, Inc.*

*EPA Docket No. EPCRA-03-2025-0009*

For Respondent: DAP Global, Inc.

Date: October 14, 2024

By: Mark Heird  
Mark Heird, President  
DAP Global, Inc.

For the Complainant:

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

By: \_\_\_\_\_  
[Digital Signature and Date]  
Karen Melvin, Director  
Enforcement & Compliance Assurance Division  
U.S. EPA – Region 3  
Complainant

Attorney for Complainant:

By: \_\_\_\_\_  
[Digital Signature and Date]  
Jennifer M. Abramson  
[Sr.] Assistant Regional Counsel  
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

FILED

Oct 22, 2024

9:58 am

U.S. EPA REGION 3  
HEARING CLERK

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DAP Global, Inc.	: U.S. EPA Docket No. EPCRA-03-2025-0009
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Respondent.	: to-Know Act, 42 U.S.C. § 11045(c)
	:
4630 N. Point Boulevard	:
Sparrows Point, Maryland 21219	:
	:
Facility.	:
	:
	:

**FINAL ORDER**

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

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's *Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1987) and Section 6607 of the Pollution Prevention Act (1990)*, Feb. 24, 2017 (amended).

**NOW, THEREFORE, PURSUANT TO** Section 325(c) of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045(c), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **SEVENTY-FOUR THOUSAND dollars (\$74,000)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

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

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

By: \_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

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Sparrows Point, Maryland 21219	:
	:
Facility.	:

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**CERTIFICATE OF SERVICE**

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

Copies served via email to:

Mark Heird, President  
DAP Global, Inc.  
[MHeird@dap.com](mailto:MHeird@dap.com)  
2400 Boston Street, Suite 200  
Baltimore, MD 21224-4775

Wendlene M. Lavey  
McMahon DeGulis LLP  
[WLavey@mdlip.net](mailto:WLavey@mdlip.net)  
812 Huron Road, Suite 650  
Cleveland, OH 44115

Jennifer M. Abramson  
Senior Assistant Regional Counsel  
U.S. EPA, Region 3  
[Abramson.Jennifer@epa.gov](mailto:Abramson.Jennifer@epa.gov)

Craig E. Yussen  
Chemical Engineer  
U.S. EPA, Region 3  
[Yussen.Craig@epa.gov](mailto:Yussen.Craig@epa.gov)

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