

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

In the Matter of: : **U.S. EPA Docket No. TSCA-03-2021-0102**
:
Solenis LLC : **Proceeding under Section 16(a) of the Toxic**
2475 Pinnacle Drive : **Substances Control Act, 15 U.S.C. § 2615(a)**
Wilmington, DE 19803 :
:
Respondent. :

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 III (“Complainant”) and Solenis LLC (“Respondent”) (collectively the “Parties”), pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), 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 16(a) of TSCA, 15 U.S.C. § 2615(a), 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 it 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 TSCA (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 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)(5).

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 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. The Parties have executed and entered into Tolling Agreements which establish that the period commencing July 1, 2019 and ending on August 31, 2021 (inclusive) will not be included in computing the running of any statute of limitations that might be applicable to this action

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, a Delaware limited liability company with a principal place of business located at 2475 Pinnacle Drive in Wilmington, Delaware, is a "person" as defined in 40 C.F.R. §§ 704.3, 710.3 and 720.3(x).
14. Section 3(2)(A) of TSCA, 15 U.S.C. § 2602(2)(A), defines "chemical substance" as including "any organic or inorganic substance of a particular molecular identity..."
15. Respondent "manufactures" (which includes imports into the customs territory of the United States) chemical substances as this term is defined in Section 3(9) of TSCA, 15 U.S.C. § 2602(9), and 40 C.F.R. §§ 704.3, 710.3 and 720.3(q); and is an "exporter" of chemical substances as this term is defined in 40 C.F.R. § 707.63(b).

16. On January 30, 2018, duly designated representatives of the EPA Administrator conducted an inspection at Respondent's facility located at 3 Beaver Valley Road in Wilmington, Delaware. On February 28, 2018, Respondent provided information requested during the inspection to EPA.
17. On June 7, 2018 and February 19, 2019, EPA issued information request letters to Respondent. Through letters dated August 23, 2018, April 24, 2019 and June 7, 2019, Respondent provided responses to EPA's information request letters.
18. On May 24, 2019, EPA issued Respondent an Opportunity to Show Cause letter identifying suspected violations under Sections 4, 5, 8 and 12 of TSCA, 15 U.S.C. §§ 2603, 2604, 2607, and 2611. On multiple occasions since May 24, 2019, Respondent provided information responding to the suspected violations identified in the Opportunity to Show Cause letter.
19. Respondent has claimed the identities of the chemical substances in its various responses and submissions as Confidential Business Information. Consequently, the identities of the chemical substance at issue in Count I, five chemical substances at issue in Count II, nineteen chemical substances at issue in Count III, one chemical substance at issue in Count IV, and five chemical substances at issue in Count V are not specified herein.
20. Pursuant to Sections 15(1) and 15(3)(B) of TSCA, 15 U.S.C. §§ 2614(1) and 2614(3)(B), it shall be unlawful for any person to fail or refuse to comply with any requirement prescribed by or rule promulgated under Section 5(a)(1) of TSCA, 15 U.S.C. § 2604(a)(1), or to submit reports, notices, or other information as required by TSCA or a rule thereunder.

Count I

Section 5 of TSCA - Failure to Submit Pre-Manufacturing Notice

21. The allegations of Paragraphs 1 through 20 of this Consent Agreement are incorporated herein by reference.
22. Section 3(11) of TSCA, 15 U.S.C. § 2602(11), and 40 C.F.R. § 720.3(v) define "new chemical substance" as any chemical substance which is not included in the chemical substance list compiled and published under Section 8(b) of TSCA ("TSCA Inventory").
23. Pursuant to Section 5(a)(1) of TSCA, 15 U.S.C. § 2604(a)(1), 40 C.F.R. §§ 720.22 and 720.40(b), any person who intends to manufacture a new chemical substance in the United States for commercial purposes, or who intends to import a new chemical substance into the United States for commercial purposes (unless the substance is imported as part of an article) must submit a pre-manufacturing notice ("PMN") at least 90 calendar days before the manufacture or import of the new chemical substance for commercial purposes begins, unless the substance is excluded under 40 C.F.R. § 720.30, or exempted at 40 C.F.R. Part 723.

24. Based on information Respondent provided in response to EPA's January 30, 2018 inspection, June 7, 2018 and February 19, 2019 information request letters, and May 24, 2019 Opportunity to Show Cause letter, Respondent failed to submit a PMN at least ninety (90) calendar days before importing (i.e., manufacturing) a chemical substance on 58 occasions in 2014 and 2015. The chemical substance is neither excluded under 40 C.F.R. § 720.30 nor exempted at 40 C.F.R. Part 723.
25. At the time of Respondent's import(s) described in Paragraph 24, the chemical substance was not included in the TSCA Inventory, and therefore was a "new chemical substance" pursuant to TSCA section 3(11), 15 U.S.C. § 2602(11) and 40 C.F.R. § 720.3(v).
26. Respondent's failure to submit a PMN at least ninety (90) days before manufacturing the new chemical substance described in Paragraph 24 as required by Section 5(a)(1) of TSCA, 15 U.S.C. § 2604, 40 C.F.R. §§ 720.22 and 720.40(b), constitute prohibited acts under Section 15 of TSCA, 15 U.S.C. § 2614, for which penalties may be assessed under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Count II

Section 8 of TSCA - Failure to Submit CDR Reports

27. The allegations of Paragraphs 1 through 26 of this Consent Agreement are incorporated herein by reference.
28. Section 8(a)(1)(A) of TSCA, 15 U.S.C. § 2607(a)(1)(A), authorizes EPA to promulgate rules by under which each person who manufactures (including imports) a chemical substance must maintain records and submit to the Administrator such reports, as the Administrator may reasonably require.
29. EPA promulgated the Chemical Data Reporting ("CDR") Rule at 40 C.F.R. Part 711 under the authority of Section 8(a) of TSCA, 15 U.S.C. § 2607(a).
30. Pursuant to 40 C.F.R. §§ 711.8, 711.15 and 711.20, any person who manufactured (including imported) for commercial purposes 25,000 lb or more of a chemical substance described in 40 C.F.R. § 711.5 ("reportable chemical substance") at any single site owned or controlled by that person during any calendar year since the last principal reporting year (i.e., calendar years 2012, 2013, 2014 and 2015) was required to report the information described in 40 C.F.R. § 711.15 for each such reportable chemical substance during the time period from June 1, 2016 to October 31, 2016 (i.e., the "submission period").
31. Based on information Respondent provided in response to EPA's January 30, 2018 inspection, June 7, 2018 and February 19, 2019 information request letters, and May 24, 2019 Opportunity to Show Cause letter, Respondent failed to report three reportable chemical substances that were imported above the applicable production volume threshold by its headquarters facility located at 3 Beaver Valley Road in Wilmington, Delaware during the submission period, and two reportable chemical substances that were manufactured above the

applicable production volume threshold at its manufacturing facility located at 27213 Shady Brook Trail in Courtland, Virginia during the submission period.

32. Respondent's failures to report the five reportable chemical substances described in Paragraph 31 within the submission period as required by 40 C.F.R. §§ 711.8, 711.15 and 711.20, constitute prohibited acts under Section 15 of TSCA, 15 U.S.C. § 2614, for which penalties may be assessed under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Count III

Section 8 of TSCA - Failure to Submit CDR Reports that Meet Accuracy Standard

33. The allegations of Paragraphs 1 through 32 of this Consent Agreement are incorporated herein by reference.
34. Pursuant to 40 C.F.R. §§ 711.8 and 711.15(b)(3)(iii), any person who manufactured (including imported) for commercial purposes 25,000 lb or more of a reportable chemical substance at any single site owned or controlled by that person during any calendar year since the last principal reporting year was required to report for the principal reporting year (i.e., calendar year 2015) the total annual volume (in pounds) of each reportable chemical substance domestically manufactured or imported at each site to two significant figures of accuracy.
35. Based on information Respondent provided in response to EPA's January 30, 2018 inspection, June 7, 2018 and February 19, 2019 information request letters, and May 24, 2019 Opportunity to Show Cause letter, Respondent failed to report within two significant figures of accuracy total volumes of 15 reportable chemical substances that were imported above the applicable production volume threshold by its headquarters facility located at 3 Beaver Valley Road in Wilmington, Delaware during the submission period, and four reportable chemical substances that were manufactured above the applicable production volume threshold at its manufacturing facility located at 27213 Shady Brook Trail in Courtland, Virginia during the submission period.
36. Respondent's failures to report the 19 reportable chemical substances described in Paragraph 35 to two (2) significant figures of accuracy as required by 40 C.F.R. §§ 711.8 and 711.15(b)(3)(iii) constituted unlawful acts under Section 15 of TSCA, 15 U.S.C. § 2614, for which penalties may be assessed under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Count IV

Section 8 of TSCA - Failure to Provide Notice of Activity Form B

37. The allegations of Paragraphs 1 through 36 of this Consent Agreement are incorporated herein by reference.
38. Section 8(b) of TSCA, 15 U.S.C. § 2607(b), authorizes EPA to promulgate rules for retrospective reporting to designate chemical substances on the TSCA Inventory as active or

inactive in U.S. commerce, and for forward-looking reporting for EPA designated inactive substances.

39. EPA promulgated the TSCA Inventory Notification (Active-Inactive) Rule at 40 C.F.R. Part 710 under the authority of Section 8(b) of TSCA, 15 U.S.C. § 2607(b).
40. Pursuant to 40 C.F.R. §§ 710.25(c) and 710.30(b) of the TSCA Inventory Notification (Active-Inactive) Rule, any person who intends to manufacture (including import) an inactive substance, with exceptions not relevant here, after the effective date of the Administrator's designation of such chemical substance as an inactive substance, must submit a Notice of Activity Form B that includes the information in § 710.29(c) before manufacturing (or importing) the inactive substance, but not more than 90 days prior to the anticipated date of manufacture (or import).
41. EPA designated a chemical substance as an inactive substance on August 5, 2019. On February 26, 2021, Respondent disclosed that it imported the chemical substance on five (5) occasions after the date it was designated inactive without submitting a Notice of Activity Form B.
42. Respondent's failure to submit the required Notice of Activity Form B for the chemical substance described in Paragraph 41 as required by 40 C.F.R. §§ 710.25(c) and 710.30(b) constituted unlawful acts under Section 15 of TSCA, 15 U.S.C. § 2614, for which penalties may be assessed under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

Count V

Section 12 of TSCA -Failure to Provide Export Notifications

43. The allegations of Paragraphs 1 through 42 of this Consent Agreement are incorporated herein by reference.
44. Pursuant to Section 12(b) of TSCA, 15 U.S.C. § 2611(b), 40 C.F.R. §§ 707.60 and 707.65, any person who exports, or intends to export, a chemical substance or mixture must notify the EPA of such exportation to a particular country by the timeframes set forth in 40 C.F.R. §§ 707.65 if, with respect to that chemical substance or mixture: data are required under Sections 4 or 5(b) of TSCA; a rule has been proposed or promulgated under Sections 5 or 6 of TSCA; or an action is pending or relief has been granted under Sections 5 or 7 of TSCA ("TSCA Section 12(b) Notice").
45. Based on information Respondent provided in response to EPA's January 30, 2018 inspection, June 7, 2018 and February 19, 2019 information request letters, and May 24, 2019 Opportunity to Show Cause letter, Respondent failed to submit required TSCA Section 12(b) Notices on 10 occasions for five chemical substances or mixtures that were exported by its headquarters facility located at 3 Beaver Valley Road in Wilmington, Delaware in 2014 and 2015.
46. Respondent's failure to submit required TSCA Section 12(b) Notices for the five chemical substances described in Paragraph 45 as required by 40 C.F.R. §§ 707.60 and 707.65

constituted unlawful acts under Section 15 of TSCA, 15 U.S.C. § 2614, for which penalties may be assessed under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

CIVIL PENALTY

47. In settlement of 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 **FOUR HUNDRED NINETY-EIGHT THOUSAND SIX HUNDRED AND TWENTY dollars (\$498,620)**, which Respondent shall be liable to pay in accordance with the terms set forth below.

48. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 16(a) of TSCA, 15 U.S.C. § 2615(a), including, the following: nature, circumstances, extent, and gravity of violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's September 10, 1980 *Guidelines for Assessment of Civil Penalties Under Section 16 of TSCA*, June 8, 1989 *Amendment to the TSCA §5 Enforcement Response Policy* and March 31, 1999 *Issuance of Revised Enforcement Response Policy for TSCA §§ 8, 12 & 13* which reflect the statutory penalty criteria and factors set forth at Section 16(a) of TSCA, 15 U.S.C. § 2615(a), 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.

49. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, i.e., Docket No. TSCA-03-2021-0102;
- b. All checks shall be made payable to the "United States Treasury";
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

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

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Jennifer M. Abramson
Senior Assistant Regional Counsel
Abramson.Jennifer@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

- 50. 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
- 51. 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 EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
- 52. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. 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).
- 53. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case 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.

54. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that 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).
55. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

GENERAL SETTLEMENT CONDITIONS

56. 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.
57. Respondent certifies that any information or representation it has supplied or made to 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. EPA shall have the right to institute further actions to recover appropriate relief if 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 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.

CERTIFICATION OF COMPLIANCE

58. Respondent certifies to 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

59. 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 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 TSCA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

60. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. 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. 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). EPA reserves any rights and remedies available to it under TSCA, 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

61. 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

62. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, 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

63. 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.

For Respondent: SOLENIS, LLC

Date: July 27, 2021

By: 
Kees Saarloos
Treasurer

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 III, 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.

Date: _____

By: _____

Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: _____

By: _____

Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA – Region II

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

In the Matter of:	:	U.S. EPA Docket No. TSCA-03-2021-0102
	:	
Solenis LLC	:	Proceeding under Section 16(a) of the Toxic
2475 Pinnacle Drive	:	Substances Control Act, 15 U.S.C. § 2615(a)
Wilmington, DE 19803	:	
	:	
Respondent.	:	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Solenis LLC (“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 (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*, EPA’s September 10, 1980 *Guidelines for Assessment of Civil Penalties Under Section 16 of TSCA*, June 8, 1989 *Amendment to the TSCA §5 Enforcement Response Policy* and March 31, 1999 *Issuance of Revised Enforcement Response Policy for TSCA §§ 8, 12 & 13*, and the statutory factors set forth in Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

NOW, THEREFORE, PURSUANT TO Section 16(a) of TSCA, 15 U.S.C. § 2615(a), 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 ***FOUR HUNDRED NINETY-EIGHT THOUSAND SIX HUNDRED AND TWENTY*** dollars (***\$498,620***), 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 TSCA 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.

Date: _____

By: _____

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III