



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 1  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

**FILED**

**7/2/25**

**8:31 AM**

**U.S. EPA REGION 1  
HEARING CLERK**

**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO:** CAA -01-2025-0037

**This ESA is issued to:** BIC Consumer Products Manufacturing Co, Inc., 565 and 550 BIC Drive, Milford, Connecticut, **for violating Section 112(r)(7) of the Clean Air Act.**

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region 1, by its duly delegated official, James Chow, Director, Enforcement and Compliance and Assurance Division, and by Respondent BIC Consumer Products Manufacturing Co, Inc. ("Respondent"), pursuant to Section 113(a)(3) and (d) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA and the U.S. Department of Justice have jointly determined that this action is an appropriate administrative penalty action under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1).

**ALLEGED VIOLATIONS**

On April 7, 2023, authorized EPA representatives conducted a compliance inspection of Respondent's facility located at 565 and 550 BIC Drive, Milford, Connecticut ("Facility") to determine its compliance with the Risk Management Plan ("RMP") regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Act. EPA found that Respondent had violated regulations implementing Section 112(r) of the Act as noted on the attached "Risk Management Program Inspection Findings, Alleged Violations, and Proposed Penalty Form" ("Form"), which is hereby incorporated by reference.

**SETTLEMENT**

In consideration of Respondent's size of business, compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations, described in the attached Form, for the total penalty amount of **\$3,900**.

This settlement is subject to the following terms and conditions:

Respondent, by signing below waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained in herein and in the Form, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA. 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 this ESA. Each

party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed in the attached Form.

Respondent agrees to pay a civil penalty in the amount of **\$3,900** ("Assessed Penalty") within 30 days of the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date"). 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>.

When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement (CAA-01-2025-0037);
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Wanda I. Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
[Santiago.Wanda@epa.gov](mailto:Santiago.Wanda@epa.gov)

Douglas Koopman, EPA Inspector  
U.S. Environmental Protection Agency, Region 1  
[koopman.douglas@epa.gov](mailto:koopman.douglas@epa.gov)

and

U.S. Environmental Protection Agency  
Cincinnati Finance Division  
Via electronic mail to:  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@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 EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

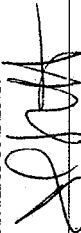
Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the alleged violations of the Act alleged above and in the Form. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above. EPA does not waive any other enforcement action for any other violations of the Clean Air Act or any other statute.

If the signed ESA is not returned to the EPA Region 1 office at the address above by Respondent within 30 days of the date of receipt, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations. If you do not sign the return the ESA and pay the penalty on time, EPA may pursue more formal enforcement measures, including seeking civil penalties up to \$39,114 per day of each violation. This ESA is binding on the parties signing below.

Pursuant to 40 C.F.R. § 22.13(b), a final order is effective upon filing.

Complainant and Respondent, by entering into this ESA, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed ESA, by electronic mail, to the email address inserted under Respondent's signature block below. Respondent understands that this e-mail address may be made public when the ESA and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with and be maintained in accordance with that Order.

FOR RESPONDENT:



Date: 24 JUN 25

Name (print): Joseph Zanchetti

Title (print): Plant Director

Email address (print): joe.zanchetti@bicworld.com

FOR COMPLAINANT:

**JAMES CHOW** Digitally signed by JAMES CHOW  
Date: 2025.06.27 13:31:50 -04'00'

James Chow, Director  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 1

### FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of the EPA's Consolidated Rules of Practice and Section 113 of the Clean Air Act, 42 U.S.C. § 7413, the foregoing Expedited Settlement Agreement resolving *In the Matter of BIC Consumer Products Manufacturing Co., Inc.*, Docket Number CAA-01-2025-0037, is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to pay the civil penalty amount specified in the Expedited Settlement Agreement. The terms of the Expedited Settlement Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

It is so ORDERED.



Michael J. Knapp  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 1

Date: July 2, 2025

**U.S. ENVIRONMENTAL PROTECTION AGENCY****RISK MANAGEMENT PROGRAM INSPECTION FINDINGS,  
ALLEGED VIOLATIONS AND PROPOSED PENALTY FORM**

**REASON FOR INSPECTION:** This inspection is for the purpose of determining compliance with the accidental release prevention requirements of Section 112(r)(7) of the Clean Air Act (Act), 42 U.S.C. sec. 7412(r)(7), and the regulations set forth at 40 C.F.R. Part 68. The scope of this inspection may include but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking of statements; reviewing chemical storage, handling, processing, and use; taking samples and photographs; and any other inspection activities necessary to determine compliance with the Act.

<b>FACILITY NAME:</b> <b>BIC Consumer Products Manufacturing Co., Inc.</b>	<input checked="" type="checkbox"/> <b>PRIVATE</b> <input type="checkbox"/> <b>GOVERNMENTAL/MUNICIPAL</b> <b># of EMPLOYEES: Approximately 135</b>
<b>FACILITY ADDRESS:</b> <b>565 &amp; 560 BIC Drive</b> <b>Milford, CT 06461</b>	<b>INSPECTION START DATE AND TIME: April 7, 2023</b>  <b>INSPECTION END DATE AND TIME: April 7, 2023</b>
<b>RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER:</b> <b>Joe Zanchetti, Plant Director 203-783-2829</b> <b>Joe.Zanchetti@bicworld.com</b>	<b>EPA FACILITY ID#:</b> <b>1000 001 30976</b>
<b>FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S):</b> Joe Zanchetti Plant Director 203-783-2829 <b>Joe.Zanchetti@bicworld.com</b>	<b>INSPECTOR NAME(S), TITLE(S):</b> <b>Drew Meyer, EPA Region 1</b> <b>Leonard B. Wallace IV, EPA Region 1</b>

**INSPECTION FINDINGS**

<b>IS FACILITY SUBJECT TO RMP REGULATION (40 CFR Part 68)?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>	
<b>DID FACILITY SUBMIT AN RMP AS PROVIDED IN 68.150 TO 68.185 AND UPDATE THE RMP AS PROVIDED IN 68.190 TO 69.195?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>	
<b>DATE RMP INITIALLY FILED WITH EPA:</b> 06/23/1999	<b>DATE OF RMP UPDATES:</b> 06/24/2004, 06/24/2009, 06/20/2014, 03/02/2018, 02/28/2023
<b>1) PROCESS/NAICS CODE:</b> 339999	<b>PROGRAM LEVEL:</b> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/>
<b>REGULATED SUBSTANCE:</b> Isobutane	<b>MAX. QUANTITY IN PROCESS:</b> 221,111 pounds
<b>DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>	
<b>ATTACHED CHECKLIST(S):</b> <input type="checkbox"/> <b>PROGRAM LEVEL 1 PROCESS CHECKLIST</b> <input type="checkbox"/> <b>PROGRAM LEVEL 2 PROCESS CHECKLIST</b> <input checked="" type="checkbox"/> <b>PROGRAM LEVEL 3 PROCESS CHECKLIST</b> <input type="checkbox"/> <b>OTHER</b> <b>ATTACHMENTS:</b> _____	

U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE  
BOSTON, MA 02109-3912

**Process Checklist (Findings) and Alleged Violations and Proposed Penalty Form:**

**1. Program Level 3 Alleged Violations and Unadjusted Penalties**

**Section C – Prevention Program – Safety information [68.65]**

<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment, designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>At the time of the inspection, pipes containing isobutane located at the isobutane tank farm and pipes containing isobutane located in the vault area outside the fencing were not properly labeled to indicate contents and direction of flow. <i>See, e.g., ASME A13.1-2015.</i></p>	<p><b>\$1,500</b></p>
<p>Has the owner or operator documented either that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)] or, for existing equipment, designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner? [68.65(d)(3)]</p> <p>At the time of the inspection, the primary exit gate from the facility along the northern property boundary did not have panic hardware to allow safe egress. <i>See, e.g., NFPA 58 (2020) § 6.21.4.2(C).</i></p>	<p><b>\$1,500</b></p>

**Section D – Prevention Program – Mechanical Integrity [68.73]**

<p>Has the owner or operator corrected deficiencies in equipment that were outside acceptable limits defined by the process safety information before further use or in a safe and timely manner, when necessary, means were taken to assure safe operation [68.73(e)]</p> <p>At the time of the inspection, certain segments of isobutane piping were not painted, and spacing material was not in place between the piping and piping supports to prevent rust and corrosion, thereby indicating that equipment deficiencies were not being corrected in a safe and timely manner. <i>See, e.g., NFPA 58 (2017) §§ 6.11.3.11 and 6.11.3.14; NFPA 30 (2018), § 27.6.4.</i></p>	<p><b>\$900</b></p>
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**Total unadjusted penalty: \$3,900**

## **2. Size-Threshold Quantity Multiplier**

The Size-Threshold Quantity multiplier is a factor that considers the size of the facility and the amount of regulated chemicals at the facility.

Expedited Settlement Penalty Matrix: Private Industries

# of Employees	1 – 5*	> 5 – 10*	> 10*
0 – 9	0.4	0.6	0.8
10 – 100	0.6	0.8	1.0
> 100	1.0	1.0	1.0

\* Largest Multiple of Threshold Quantity of any Regulated Chemical(s) on Site.

At the time of the inspection the Facility stated it had 135 employees.

The 2023 Tier 2 form listed 184,000 lbs of liquid petroleum gas at the facility. The threshold quantity for petroleum gas is 10,000 lbs.

Size/Threshold Quantity multiplier from Expedited Settlement Penalty Matrix: **1.0**

## **3. Proposed Penalty**

The Proposed Penalty is the amount of the non-negotiable penalty that is calculated by multiplying the Total Penalty and the Size/Threshold Quantity multiplier.

$$\begin{array}{rcl} \text{Proposed Penalty} & = & \$3,900 \text{ (Unadjusted Penalty)} \\ & \times & 1.0 \text{ (Size/Threshold Quantity Multiplier)} \\ & = & \underline{\underline{\$3,900}} \end{array}$$