

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

IN THE MATTER OF: :
: Docket No. RCRA/CWA-03-2015-0240
Brenntag Northeast Inc., :
: Respondent, : Administrative Complaint and
: Notice of Opportunity for Hearing
Brenntag Northeast, Inc. : Notice of Opportunity for Hearing
81 West Huller Lane : Under RCRA Section 3008(a) and (g),
Reading, PA 19605, : 42 U.S.C. § 6928 (a) and (g), and
: CWA Section 311(b), 33 U.S.C. § 1321(b)
Facility. :
: _____ :
:

CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by UPS Next Day Delivery, a copy of the following documents to the addressee(s) listed below:

Recipients:

Scott Leibowitz, President
Sarah Stapleton, Quality Manager
Brenntag Northeast, Inc.
81 West Huller Lane
Reading, PA 19605

Timothy J. Bergère, Esq.
Montgomery McCracken
123 South Broad Street
Philadelphia, PA 19109

RECEIVED
2015 OCT - 1 PM 2:15
REGIONAL HEARING CLERK
EPA REGION III PHILA. PA

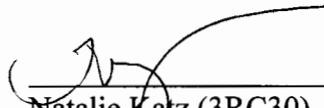
Documents:

Complaint

- A. Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits, 40 C.F.R. Part 22
- B. EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003
- C. EPA's 1998 Civil Penalty Policy for Section 311(b)(3) and 311(j) of the Clean Water Act

The original and one copy of this Complaint were hand-delivered to, and filed with, the Regional Hearing Clerk, U.S. EPA Region III, on September 30, 2015.

Dated: 10/1/15



Natalie Katz (3RC30)
Senior Assistant Regional Counsel
EPA Region III
1650 Arch Street
Philadelphia, PA 19103



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

October 1, 2015

VIA OVERNIGHT MAIL

Scott Leibowitz, President
Sarah Stapleton, Quality Manager
Brenntag Northeast, Inc.
81 West Huller Lane
Reading, PA 19605

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EPA REGION III, PHILA. PA

Re: RCRA and SPCC Violations at Chemical Distribution Facility
Complaint and Notice of Opportunity for Hearing
EPA Docket No. RCRA-03-2015-0240

Dear Mr. Leibowitz, Ms. Stapleton and Mr. Bergère:

Enclosed please find a true and correct copy of an administrative Complaint and Notice of Opportunity for Hearing (hereinafter, "Complaint") filed yesterday by the U.S. Environmental Protection Agency, Region III ("EPA") pursuant to the authority of Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a) and (g); Section 311(b) of the Federal Water Pollution Control Act, commonly known as the Clean Water Act, as amended, ("CWA"), 33 U.S.C. § 1321(b), 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. The alleged violations occurred at Brenntag's chemical distribution facility, located at 81 West Huller Lane in Reading, Pennsylvania 19605 (the "Facility"). These alleged violations subject Brenntag to the assessment of a civil penalty.

The Complaint should be read and analyzed carefully to determine the alternatives available to you in responding to the alleged violations. An Answer to this Complaint must be filed within thirty (30) days of its receipt. The Answer must specifically respond to each of the allegations in the Complaint. Brenntag's failure to respond to this Complaint by filing a timely and specific Answer will constitute an admission of the allegations made in the Complaint against the Company. Failure to answer shall result in the filing of a Motion for a Default Order and the possible issuance of a Default Order without further proceedings.

Brenntag may choose to request a hearing to contest any matter set forth in the Complaint. Such request must be included in the company's Answers to this Complaint. Whether or not a hearing is



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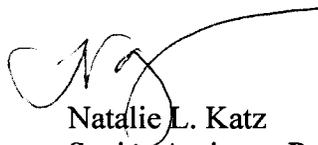
requested, Brenntag may request an informal settlement conference to discuss resolution of this case. A request for a settlement conference may be included in the Answer.

EPA has recognized the possibility that Brenntag may be considered a "small business" under the Small Business Regulatory Enforcement Fairness Act ("SBREFA"). Please see the "Information for Small Businesses" brochure enclosed with this letter. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve Brenntag of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve the Company's legal rights, Brenntag must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Please be further advised that certain companies may be required to disclose to the Securities and Exchange Commission ("SEC") the existence of certain pending or known to be contemplated environmental legal proceedings (administrative or judicial) arising under Federal, State or local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" for more information about this SEC requirement and to aid you in determining whether the Companies may be subject to the same.

EPA understands that Brenntag is currently represented by legal counsel. Therefore, if you have any questions and/or the desire to arrange an informal conference to explore the prospect of settlement, please have the Company's legal counsel contact me at (215) 814-2615 before the expiration of the thirty (30) day period following your receipt of this Complaint.

Sincerely,



Natalie L. Katz
Senior Assistant Regional Counsel

Enclosures

cc: Timothy J. Bergère, Esq., Counsel for Brenntag
Mr. Garth Connor