

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103-2852**

In the Matter of:

**Bulk Chemicals, Inc.
1074 Stinson Drive
Reading, Pennsylvania 19605,**

Respondent.

**809 Mohrsville Road
Shoemakersville, Pennsylvania 19555,**

**1076 Park Road
Blandon, Pennsylvania 19510, and**

**72 Feick Avenue
Hamburg, Pennsylvania 19526,**

Facilities.

U.S. EPA Docket No. CAA-03-2022-0100

**Proceeding under Sections 112(r) and 113
of the Clean Air Act, 42 U.S.C. §§ 7412(r)
and 7413**

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Bulk Chemicals, Inc. (“Respondent”) (collectively the “Parties”), pursuant to Section 113(d) of the Clean Air Act, as amended (the “CAA”), 42 U.S.C. § 7413(d), 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 113 of the CAA 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 the CAA (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)(2).

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 6, 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. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.

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 corporation formed in the Commonwealth of Pennsylvania, with its headquarters located at 72 Feick Avenue in Hamburg, Pennsylvania.
14. Respondent is the former operator of a chemical manufacturing and distribution facility located at 809 Mohrsville Road in Shoemakersville, Pennsylvania (the “Shoemakersville Facility.”)
15. Respondent is the former operator of a chemical manufacturing and distribution facility located at 1076 Park Road in Blandon, Pennsylvania (the “Blandon Facility”).
16. Respondent is the current operator of a chemical manufacturing and distribution facility located at 72 Feick Avenue in Hamburg, Pennsylvania (the “Hamburg Facility”).
17. As a corporation Respondent is a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and is subject to the assessment of civil penalties for the violations alleged herein.
18. Respondent is, and at times referred to herein was, the operator of a “stationary source,” as the term is defined in Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and 40 C.F.R. § 68.3
19. 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).
20. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), known as the “General Duty Clause”, 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.
21. The General Duty Clause applies to any stationary source producing, processing, handling, or storing regulated substances, as defined above, or other extremely hazardous substances (“EHS”). An EHS is any chemical which may, as a result of short-term exposures because of releases to the air, cause death, injury or property damage due to its toxicity, reactivity, flammability, volatility or corrosivity. EHSs include regulated substances listed pursuant to Section 112(r)(3) of the Act, 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 the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 et seq., at 40 C.F.R. Part 355, and may include the Facility’s proprietary chemicals as well.

22. 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.”
23. On October 1-2, 2019, EPA conducted inspections of the Facilities to determine whether Respondent was in compliance with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1) (the “Inspections”). The Inspections occurred in the aftermath of a June 10, 2019 nitric acid leak and subsequent fire at the Shoemakersville Facility.
24. Respondent closed the Shoemakersville Facility on June 11, 2020, having transferred the chemicals present there to its other Facilities.
25. On August 27, 2020, EPA entered into an Administrative Compliance Order on Consent, Docket No. CAA-03-2020-0094DA (“Order”), with Respondent to address the violations at the Hamburg Facility and the Blandon Facility.

Count I

Failure to Comply with General Duty Clause Requirement to Design and Maintain a Safe Facility - Shoemakersville

26. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
27. During the Inspection of the Shoemakersville Facility, one portion of the Shoemakersville was in operation, the upper warehouse. Based on the observations of EPA inspectors during the Inspection at the Shoemakersville Facility, EPA has determined that Respondent stored oxidizers (hydrogen peroxide, nitric and chromic acid), toxics (chromic acid), corrosives (nitric, sulfuric, phosphoric and chromic acid, ammonium and potassium hydroxide), flammables (methanol) and combustibles (Glycol Ether EB).
28. The oxidizers, toxics, corrosives, flammables and combustibles present at the Shoemakersville Facility during the time of the Inspection constitute extremely hazardous chemicals under Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).
29. As the operator of a stationary source, with respect to the use and storage of oxidizers, toxics, corrosives, flammables and combustibles, Respondent has a duty under the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), to design and maintain a safe facility to prevent the accidental release of this hazardous chemical to the air. The measure for whether an owner or operator has safely designed and maintained its facility is whether the facility provides the same level of protection as that provided by industry codes and standards.

30. EPA's Inspection of the Shoemakersville Facility revealed the following instances in which Respondent did not comply with the obligation under Section 112(r)(1) of the CAA to design and maintain a safe facility taking such steps as are necessary to prevent accidental releases. In particular, Respondent's storage practices at the Shoemakersville Facility were not consistent with the protection provided by industry codes and standards, including: (1) segregation of incompatible materials; and (2) exceeding maximum allowable quantities of flammable and combustible chemicals.
31. One relevant industry standard is National Fire Protection Association 400, Hazardous Materials Code (2013 Edition) ("NFPA 400"). Section 6.1.12 of NFPA 400 provides that incompatible materials in containers greater than 5 pounds must be segregated by an approved method, such as a distance of not less than 20 feet or a noncombustible partition meeting certain dimensional requirements.
32. Another relevant industry standard is NFPA 30, Flammable and Combustible Liquids Code (2015) ("NFPA 30"). Section 9.17.3 of NFPA 30 provides that flammables shall be separated from oxidizers by at least 25 feet.
33. At the time of the Inspection of the Shoemakersville Facility, EPA inspectors observed the storage of incompatible materials less than 20-25 feet from one another with no partitions in the upper warehouse. For example, Glycol Ether EB, a combustible liquid, Class IIIA, was stored in totes located less than 25 feet from totes of nitric acid, an oxidizer at the Shoemakersville Facility. In addition, totes of phosphoric acid and nitric acid solution were stored less than 20 feet from totes of potassium hydroxide 45% solution, sodium hydroxide 45% solution and ammonium hydroxide solution, bases, at the Shoemakersville Facility.
34. NFPA 30 requires that the amount of chemicals present at a facility be monitored to ensure that quantities of chemicals do not exceed the maximum allowable quantities ("MAQ"). NFPA 30, § 12.6.2.2 and Table 12.6.2.2. Exceedance of certain maximum allowable quantities triggers secondary containment, ventilation (if mixing), spill control, fire protection systems, and storage restriction requirements for corrosives, oxidizers and toxics. *See* NFPA 400, Chapters 3, 5, 12, 15, and 18.
35. EPA determined that Respondent was not in compliance with MAQ limitations of NFPA 30 at the upper warehouse of the Shoemakersville Facility, a non-sprinklered building. EPA determined that more than 11,414 pounds of nitric acid 42 (67%), a Class 2 oxidizer, was stored at the Shoemakersville Facility's upper warehouse. This amount of storage, over the MAQ, required detached storage as it was over the building limit for either segregated storage (2,250 pounds) or cutoff walls/separation walls (9,000 pounds) in a non-sprinkled building. *See* NFPA 400, Chapter 15, Table 15.3.2.3.2.3(a).
36. Respondent closed the Shoemakersville Facility on June 11, 2020, having transferred the chemicals present in the upper warehouse to its other Facilities.

37. At the time of the Inspection of the Shoemakersville Facility until the Shoemakersville Facility was closed on June 11, 2020, Respondent violated Section 112(r)(1) of the CAA by failing to achieve the safety standards of NFPA 400 and NFPA 30 to ensure that the Shoemakersville Facility was safely designed and maintained to prevent accidental releases to the air.
38. In failing to comply with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

Count II
Failure to Failure to Comply with General Duty Clause Requirement
to Design and Maintain a Safe Facility - Hamburg

39. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
40. Based on the observations of EPA inspectors during the Inspection at the Hamburg Facility, EPA has determined that Respondent stored oxidizers (nitric acid 67%, ferric nitrate, potassium and sodium dichromate, and sodium nitrite), corrosives (chromic acid), flammables (methanol, isopropyl alcohol) and combustibles (Glycol Ether DB, Glycol Ether EPH) at the Hamburg Facility.
41. The oxidizers, corrosives, flammables and combustibles present at the Hamburg Facility constitute extremely hazardous chemicals under Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).
42. EPA's Inspection of the Hamburg Facility revealed the following instances in which Respondent did not comply with the obligation under Section 112(r)(1) of the CAA to design and maintain a safe facility taking such steps as are necessary to prevent accidental releases. In particular, Respondent's storage practices at the Hamburg Facility were not consistent with the protection provided by industry codes and standards, regarding segregation of incompatible materials, in accordance with NFPA 400 and NFPA 30.
43. EPA inspectors observed two drums of ferric nitrate, an oxidizer, were stored less than 25 feet from a drum of Glycol Ether DB, a combustible liquid at the Hamburg Facility.
44. EPA inspectors observed that Glycol Ether EPH and DB, combustible liquids, were stored in drums less than 25 feet from containers of nitric acid and ferric nitrate, oxidizers, at the Hamburg Facility.
45. EPA determined that Respondent exceeded NFPA 30's MAQ limitations of flammable and combustible chemicals at the Hamburg Facility, a non-sprinklered building. The Hamburg Facility stored 1,844 pounds of nitric acid 67%, a Class 2 oxidizer, in an open

storage area, in amounts exceeding the MAQ of 250 pounds. NFPA 400 requires either separation by solid noncombustible barrier in protection level 3 building or detached building. *See* NFPA 400, Table 15.3.2.3.2.3(a). Further, NFPA 400 Sections 6.2.1.1 and 6.2.4 requires protection level 3 to have a fire protection system. EPA inspectors observed that oxidizers were not provided with separation by a noncombustible wall or not stored in detached storage in a sprinkled building at the Hamburg Facility.

46. Respondent also stored at the Hamburg Facility 850 pounds of hydrofluoric acid 49% in two 55-gallon drums and 160 pounds of hydrofluoric acid 19.75% (both corrosive and highly toxic) in quantities greater than its MAQ of 10 pounds. NFPA 400 Sections 6.2.1.1 and 6.2.4 require facilities to have a fire protection system whenever the MAQ is exceeded. NFPA 400 requires spill control, secondary containment, ventilation and fire protection for corrosives stored above the MAQ. *See* NFPA 400, §§ 12.2.1, 12.2.3, 12.2.4 and 12.2.6. NFPA 400 also requires spill control, secondary containment and fire protection for highly toxic chemicals stored above the MAQ. *See* NFPA 400, §§ 18.2.1, 18.2.3, 18.2.4, and 18.2.6. EPA determined that the Hamburg Facility lacked spill control, secondary containment, ventilation and fire protection.
47. At the time of the Inspection of the Hamburg Facility until the work was completed at the Hamburg Facility in August 2022, Respondent violated Section 112(r)(1) of the CAA by failing to achieve the safety standards of NFPA 400 and NFPA 30 to ensure that the Hamburg Facility was safely designed and maintained to prevent accidental releases to the air.
48. In failing to comply with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

Count III

Failure to Failure to Comply with General Duty Clause Requirement to Design and Maintain a Safe Facility - Blandon

49. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
50. Based on the observations of EPA inspectors during the Inspection at the Blandon Facility, EPA has determined that Respondent stored oxidizers (hydrogen peroxide, nitric acid and ferric nitrate), toxics (hydrofluoric acid 49%) and corrosives (hydrofluoric acid 49%, sodium hydroxide, Bulk Bond 777 and Bulk Kleen 841) at the Blandon Facility.
51. The oxidizers, toxics, and corrosives present at the Blandon Facility constitute extremely hazardous chemicals under Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).
52. EPA's Inspection of the Blandon Facility revealed the following instances in which Respondent did not comply with the obligation under Section 112(r)(1) of the CAA to design and maintain a safe facility taking such steps as are necessary to prevent

accidental releases. In particular, Respondent's storage practices at the Blandon Facility were not consistent with the protection provided by industry codes and standards, regarding segregation of incompatible materials, in accordance with NFPA 400 and NFPA 30.

53. EPA inspectors observed totes and drums of acids and bases stored less than 20 feet from one another in the main area and the annex at the Blandon Facility. This storage distance is inconsistent with the safe storage distances specified in Section 6.1.12 of NFPA 400.
54. EPA determined that Respondent stored at the Blandon Facility hydrofluoric acid 49% (corrosive and highly toxic) in quantities greater than its MAQ of 10 pounds. Hydrofluoric acid 49% was stored in three 529-pound drums or approximately 1,587 pounds on-site. NFPA 400 Sections 6.2.1.1 and 6.2.4 require facilities to have a fire protection system whenever the MAQ is exceeded. As noted above, NFPA 400 requires storage of corrosives over the MAQ to have spill control, secondary containment, and ventilation, and storage of highly toxic chemicals to have spill control, secondary containment and fire protection. The Blandon Facility lacked spill control, secondary containment, ventilation or fire protection.
55. During the implementation of the Order, Respondent informed EPA that it would be transferring all chemicals from the Blandon Facility to a newly leased facility located in Reading, Pennsylvania, by February 1, 2022. EPA and Respondent entered into Amendment 1 to the Order on August 23, 2021, to modify Respondent's obligations under the Order with respect to the Blandon Facility.
56. At the time of the Inspection of the Blandon Facility until the chemicals were transferred to the newly leased Reading location in January 2022, Respondent violated Section 112(r)(1) of the CAA by failing to achieve the safety standards of NFPA 400 and NFPA 30 to ensure that the Blandon Facility was safely designed and maintained to prevent accidental releases to the air.
57. In failing to comply with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), Respondent is subject to the assessment of penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

CIVIL PENALTY

58. 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 EIGHTY-FIVE THOUSAND DOLLARS (\$85,000), which Respondent shall be liable to pay in accordance with the terms set forth below.
59. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 113(e) of the CAA, including the following, in addition to such other factors as justice may require, the size of the business, the economic impact of the penalty on the business, the violator's full

compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation. 42 U.S.C. § 7413(e)(1). These factors were applied to the particular facts and circumstances of this case with specific reference to 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), which reflects the statutory penalty criteria and factors set forth at Section 113(e) of the CAA, 42 U.S.C. § 7413(e), 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.

60. 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.*, CAA-03-2022-0100;
- 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:

Cynthia T. Weiss, Esquire
Sr. Assistant Regional Counsel
weiss.cynthia@epa.gov

and

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

61. 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.
62. 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).
63. 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 Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. 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).
64. 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.
65. 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).
66. If Respondent fails to make a full and complete payment of the civil penalty in accordance with this Consent Agreement and Final Order, the entire unpaid balance of the penalty shall become immediately due and owing. Failure by Respondent to pay the CAA civil penalty assessed by the Final Order in full in accordance with this Consent Agreement and Final Order may subject Respondent to a civil action to collect the assessed penalty, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In

any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

67. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
68. The parties consent to service of the Final Order by e-mail at the following valid email addresses: weiss.cynthia@epa.gov (for Complainant), and drb@beanellc.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

69. 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.
70. 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, **including information about respondent's ability to pay a penalty**, 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

71. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it complied with the Administrative Order on Consent between Respondent and EPA, Docket No. CAA-03-2020-0094DA, which addressed the violations alleged herein.

OTHER APPLICABLE LAWS

72. 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 Clean Air Act, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

73. 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 the Clean Air Act, 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

74. 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

75. 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

76. 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: Bulk Chemicals, Inc.

EPA Docket No. CAA-03-2022-0100

For Respondent: Bulk Chemicals, Inc.

By:  09.12.2022

[Digital Signature and Date]

Harry Adams
President

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.

By: _____
[*Digital Signature and Date*]

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

Attorney for Complainant:

By: _____
[*Digital Signature and Date*]

Cynthia T. Weiss
Sr. Assistant Regional Counsel
U.S. EPA – Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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**Proceeding under Sections 112(r) and 113
of the Clean Air Act, 42 U.S.C. §§ 7412(r)
and 7413**

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Bulk Chemicals, 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*, 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), and the statutory factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e).

NOW, THEREFORE, PURSUANT TO Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), 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 ***EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00)***, 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 the Clean Air Act 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: _____
[*Digital Signature and Date*]

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103-2852**

In the Matter of:

**Bulk Chemicals, Inc.
1074 Stinson Drive
Reading, Pennsylvania 19605,**

Respondent.

**809 Mohrsville Road
Shoemakersville, Pennsylvania, 19555,**

**1076 Park Road
Blandon, Pennsylvania, 19510, and**

**72 Feick Avenue
Hamburg, Pennsylvania, 19526,**

Facilities.

U.S. EPA Docket No. CAA-03-2022-0100

**Proceeding under Sections 112(r) and 113
of the Clean Air Act, 42 U.S.C. §§ 7412(r)
and 7413**

CERTIFICATE OF SERVICE

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region III 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:

David R. Beane, Esquire
Beane, LLC
Email: drb@beanellc.com

Harry Adams
Bulk Chemicals, Inc.
Email: hadams@bulkchemicals.us

Cynthia T. Weiss, Esquire
Senior Assistant Regional Counsel
U.S. EPA, Region III
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Patrick Beckley
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U.S. EPA, Region III
Email: beckley.patrick@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk