

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS**

This form was originated by Wanda I. Santiago for Christine Foot 8/23/16  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CAPA-01-2016-0060

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Stan Chem, Inc.  
401 Berlin Street  
East Berlin, CT 06023

Total Dollar Amount of Receivable \$ 8,700 Due Date: 9/12/16

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:  
1<sup>ST</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

August 22, 2016

**BY HAND**

Wanda I. Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency-Region 1  
5 Post Office Square, Suite 100  
Mail Code OES04-2  
Boston, MA 02109-3912

RECEIVED

AUG 22 2016

EPA ORC WIS  
Office of Regional Hearing Clerk

Re: In the Matter of: Stan Chem, Inc.; Docket No. CAA-01-2016-0060

Dear Ms. Santiago:

Enclosed for filing, please find the original and one copy of an Expedited Settlement Agreement resolving the matter referenced above.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christine M. Foot".

Christine M. Foot  
Enforcement Counsel  
EPA Region 1

Enclosures

cc: John W. Waller, President, Stan Chem, Inc.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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

RECEIVED

AUG 22 2016

EPA ORC  
Office of Regional Hearing Clerk

Rec'd 8/24/16  
sent back 8/24/16

**EXPEDITED SETTLEMENT AGREEMENT**

**DOCKET NO:** CAA-01-2016-0060

**This ESA is issued to:** Stan Chem, Inc., 401 Berlin Street, East Berlin, Connecticut 06023  
**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, Susan Studlien, Director, Office of Environmental Stewardship, and by Respondent, Stan Chem, Inc. (“Stan Chem” or “Respondent”), pursuant to Sections 113(a)(3) and (d) of the Clean Air Act (“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 December 3, 2012, authorized EPA representatives conducted a compliance inspection of Respondent’s facility located at 401 Berlin Street in East Berlin, Connecticut to determine its compliance with the Risk Management Program (“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 by failing to comply with the regulations 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, its full 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 \$8,700.

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 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. 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 Respondent has corrected the violations listed in the attached Form. Respondent agrees to submit payment of the \$8,700 penalty within 20 days of receiving a fully

executed copy of this ESA. The Respondent may pay the penalty by cashier's check, certified check, or wire transfer.

If payment is made by check, make payable to "Treasurer, United States of America," include Docket Number CAA-01-2016-0060, and send to:

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

If payment is made by wire transfer, include the Docket Number CAA-01-2016-0060 in Field Tag 6000 and "D 68010727 Environmental Protection Agency" in Field Tag 4200. The wire transfer account is:

Federal Reserve Bank of New York  
33 Liberty Street  
New York NY 10045  
ABA: 021030004  
Account: 68010727  
SWIFT address: FRNYUS33

Respondent must also send a copy of the check or wire transfer receipt to:

Christine M. Foot  
Enforcement Counsel  
Office of Environmental Stewardship (OES 04-2)  
U.S. Environmental Protection Agency Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

and

Wanda I. Santiago  
Regional Hearing Clerk (ORA 18-1)  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

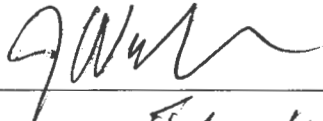
Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above and in the Form. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, 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.

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 and return the ESA and pay the penalty on time, EPA may pursue more formal enforcement measures, including seeking civil penalties of up to \$37,500 per day for each violation. This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

  
Date: 8/8/16  
Name (print): John W. Wilford  
Title (print): President

FOR COMPLAINANT:

  
Date: 8-17-16  
Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. EPA Region 1

I hereby ratify the ESA resolving *In the Matter of Stan Chem, Inc.* No. CAA-01-2016-0060 and incorporate it herein by reference. It is so ORDERED.

  
Date: 8/19/16  
Sharon Wells  
Regional Judicial Officer  
U.S. EPA Region I





**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. § 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.

FACILITY NAME: <b>Stan Chem, Inc.</b>	<input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> GOVERNMENTAL/MUNICIPAL # of EMPLOYEES: <b>41</b>
--	--

FACILITY ADDRESS: <b>401 Berlin Street East Berlin, Connecticut 06023</b>	INSPECTION START DATE AND TIME: 12/3/12 INSPECTION END DATE AND TIME : 12/3/12
--	---

RESPONSIBLE OFFICIAL, TITLE, PHONE NUMBER: Joseph S. Shaskus, Jr., Chief Engineer (860) 828-0571	EPA FACILITY ID#: <b>1000 0014 6308</b>
--	--

FACILITY REPRESENTATIVE(S), TITLE(S), PHONE NUMBER(S): Joseph S. Shaskus, Jr., Chief Engineer (860) 828-0571 jshaskus@Stan Chem-inc.com	INSPECTOR NAME(S), TITLE(S): Jim Gaffey Kelly Patten, OTIE
--	--

**INSPECTION FINDINGS**

IS FACILITY SUBJECT TO RMP REGULATION (40 CFR Part 68)?                       YES                       NO

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?  
 YES                      NO  
 DATE RMP INITIALLY FILED WITH EPA: 6/21/1999.                      DATE OF RMP UPDATE: 6/5/2014

1) PROCESS/NAICS CODE:                      32552	PROGRAM LEVEL: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/>
REGULATED SUBSTANCE:                      vinyl acetate monomer	MAX. QUANTITY IN PROCESS: <b>156,000 lbs.</b>
14	

DID FACILITY CORRECTLY ASSIGN PROGRAM LEVELS TO PROCESSES?                       YES                       NO

ATTACHED CHECKLIST(S):  
 PROGRAM LEVEL 1 PROCESS CHECKLIST                       PROGRAM LEVEL 2 PROCESS CHECKLIST                       PROGRAM LEVEL 3 PROCESS CHECKLIST

OTHER ATTACHMENTS: \_\_\_\_\_

INSPECTION SYMBOL KEY: Y - YES, N - NO, N/A - NOT APPLICABLE, S - SATISFACTORY, M - MARGINAL, U - UNSATISFACTORY

**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:  
Stan Chem, Inc., East Berlin, Connecticut.

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

<b>Section C – Prevention Program [68.65 - 68.87]</b>	
<p>Has the owner or operator documented that equipment complies with recognized and generally accepted good engineering practices [68.65(d)(2)]?</p> <p>– At the time of the inspection, portions of the vinyl acetate monomer process piping system and several valves lacked adequate labeling. <i>See, e.g., Amer. Soc’y of Mechanical Eng’rs, Standard A13.1-2007: Scheme for the Identification of Piping Systems § 3 (2007).</i> Additionally, the hazard identification sign on the VAM storage tank was missing or damaged. <i>See, e.g., Nat’l Fire Prot. Ass’n, Standard 704: Standard System for the Identification of the Hazards of Materials for Emergency Response; Nat’l Fire Prot. Ass’n, Standard 1: Fire Code (2012) § 60.5.1.8.2.1 (requiring visible hazard identification signs as specified in NFPA 704 on aboveground tanks).</i></p>	\$ 1500.00
<b>Section C – Prevention Program [68.65 - 68.87]</b>	
<p>Has the owner or operator established a system to promptly address the team’s [PHA] findings and recommendations; assured that the recommendations are resolve in a timely manner and documented; documented what actions are to be taken; completed actions as soon as possible; developed a written schedule of when these actions are to be completed; and communicated the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations? [68.67(e)]?</p> <p>– At the time of the inspection, the company produced a document (“PHA Minutes”) that referenced a PHA reportedly conducted in 2011 and identified six findings, but had no documentation indicating a schedule for or resolution of the action items.</p>	\$ 1500.00
<b>Section C – Prevention Program [68.65 - 68.87]</b>	
<p>Has the owner or operator ascertained and documented in record that each employee involved in operating a process has received and understood the training required? [68.71(c)]</p> <p>– At the time of the inspection, the facility had no records indicating that the employees had received and understood the training.</p>	\$ 600.00
<p>Does the prepared record contain the identity of the employee, the date of the training, and the means used to verify that the employee understood the training? [68.71(c)]</p> <p>– At the time of the inspection, the facility had no records indicating which employees had received the training and when, nor the means for verifying the employee understood it.</p>	\$ 600.00
<b>Section C – Prevention Program [68.65 - 68.87]</b>	
<p>If a change resulted in a change in the process safety information, was such information updated accordingly? [68.75(d)]</p> <p>– At the time of the inspection, the process P&amp;ID had not been updated to include the installation of the pH probe into the wet tap assembly (MOC #16).</p>	\$ 600.00

**Section C – Prevention Program [68.65 - 68.87]**

Has the owner or operator certified that the stationary source has evaluated compliance with the provisions of the prevention program at least every three years to verify that the developed procedures and practices are adequate and being followed? [68.79(a)] – At the time of the inspection, the facility had not conducted an audit since 2002, which was more than three years prior.	\$ 1200.00
---	------------

**Section C – Prevention Program [68.65 - 68.87]**

Has the owner or operator obtained and evaluated information regarding the contract owner or operator's safety performance and programs when selecting a contractor? [68.87(b)(1)] – At the time of the inspection, the facility had not adequately implemented its contractor program for the covered process. The facility has a written contractor program but there were no records of this program being implemented for all contractors performing maintenance or repair work on or adjacent to the covered process.	\$ 900.00
Informed contract owner or operator of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process? [68.87(b)(2)] – At the time of the inspection, the facility had not adequately implemented its contractor program for the covered process. The facility has a written contractor program but there were no records of this program being implemented for all contractors performing maintenance or repair work on or adjacent to the covered process.	\$ 900.00
Explained to the contract owner or operator the applicable provisions of the emergency response or the emergency action program? [68.87(b)(3)] – At the time of the inspection, the facility had not adequately implemented its contractor program for the covered process. The facility has a written contractor program but there were no records of this program being implemented for all contractors performing maintenance or repair work on or adjacent to the covered process.	\$ 900.00

**Total unadjusted penalty: \$8,700**

**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.

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.

$$\begin{aligned} \text{Proposed Penalty} &= \$8,700 \text{ (Unadjusted Penalty)} \\ &x \quad 1.0 \text{ (Size/Threshold Quantity Multiplier)} \\ &= \underline{\underline{\$8,700}} \end{aligned}$$



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1 – NEW ENGLAND

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
Stan Chem, Inc. )  
401 Berlin Street )  
East Berlin, Connecticut 06023 )  
Respondent )  
 )  
Proceeding under Section 113(d) of the Clean Air )  
Act, 42 U.S.C. § 7413(d) )  
\_\_\_\_\_ )

Docket No.: CAA-01-2016-0060

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Expedited Settlement Agreement has been sent to the following persons on the date noted below:

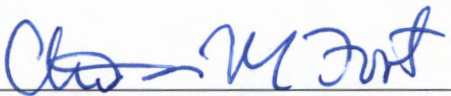
Original and one copy  
(hand-delivered):

Ms. Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Mail Code ORA18-1  
Boston, MA 02109-3912

Copy (certified mail, return  
receipt requested):

John W. Waller, President  
Stan Chem, Inc.  
401 Berlin Street  
East Berlin, Connecticut 06023

Dated: 8/22/16

  
\_\_\_\_\_  
Christine M. Foot, Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES04-2  
Boston, MA 02109-3912