

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103 U.S. EPA-REGION 3-RHC

FILED-16JUL2019PM4:20

IN THE MATTER OF:

**Kemira Water Solutions, Inc.
1000 Parkwood Circle
Suite 500
Atlanta, GA 30339,**

Respondent.

**3925 Fort Armistead Road
Baltimore, Maryland 21226,**

Facility.

**EPA Docket No. EPCRA-CERCLA-03-
2019-0077**

**Proceeding under Sections 103 and 109 of
the Comprehensive Environmental
Response, Compensation and Liability Act,
42 U.S.C. §§ 9603 and 9609, and Sections
312 and 325 of the Emergency Planning
and Community Right-to-Know Act, 42
U.S.C. §§ 11022 and 11045**

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 Kemira Water Solutions, Inc. ("Respondent") (collectively the "Parties"), pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9609; Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045; 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 109 of CERCLA and Section 325 of EPCRA authorize 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 "CAFO") resolve Complainant's civil penalty claims against Respondent under Section 109 of CERCLA and Section 325 of EPCRA 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)(7) and (8).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
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 CAFO.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CAFO 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

11. 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.
12. Respondent is a Delaware corporation with its principal place of business located at 1000 Parkwood Circle, Suite 500, Atlanta, Georgia 30339.
13. Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21); Section 329(7) of EPCRA, 42 U.S.C. § 11049(7); and their respective regulations, 40 C.F.R. §§ 302.3 and 370.66.
14. At all times relevant to this CAFO, Respondent was in charge of the facility at 3925 Fort Armistead Road, Baltimore, MD 21226 ("Facility") within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

15. The Facility is a “facility” as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9); Section 329(4) of EPCRA, 42 U.S.C. § 11049(4); and their respective regulations, 40 C.F.R. §§ 302.3 and 370.66.
16. At all times relevant to this CAFO, Respondent has been the “owner or operator” of the Facility within the meaning of Section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. § 370.2.
17. A solution containing ferrous chloride, Chemical Abstract Service Registry No. 7758-94-3, spilled from a tank car at the Facility at about 5:15 am on September 3, 2016 while off-loading the solution from a rail car (the “Release”). The amount of ferrous chloride released was approximately 6,339 pounds. The release occurred when the solution leaked from an improperly tightened flange that connected the unloading line to the rail car.
18. On September 6, 2017, EPA conducted an inspection of the Facility to determine Respondent’s compliance with Section 103 of CERCLA and Sections 302-312 of EPCRA in response to the Release. During the inspection, EPA gathered information relevant to Respondent’s compliance with Section 103 of CERCLA and Sections 302-312 of EPCRA. During and after the inspection, Respondent submitted information to EPA regarding its compliance with CERCLA and EPCRA.

Count I

Failure to Comply with Section 103(a) of CERCLA

19. The allegations of Paragraphs 1 through 18 of this Consent Agreement are incorporated herein by reference.
20. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of the EPA to publish a list of substances designated as hazardous substances, which, when released into the environment, may present substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) (“Reportable Quantity” or “RQ”). The list of hazardous substances is codified at 40 C.F.R. § 302.4.
21. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, a person in charge of a facility to immediately notify the National Response Center (“NRC”) established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to or greater than the RQ.
22. The chemical ferrous chloride is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, with an RQ of 100 pounds, as listed in 40 C.F.R. § 302.4.

23. The Release from the Facility constitutes a release of a hazardous substance in a quantity equal to or exceeding the RQ for that hazardous substance, requiring immediate notification of the NRC pursuant to Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
24. The Release was not a “federally permitted release” as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).
25. Respondent first became aware that the Release was occurring at approximately 5:20 a.m. on September 3, 2016. The operator stopped the release at approximately 5:25 a.m. The Interim Plant Manager was not notified of the Release until almost an hour later. Kemira did not notify the NRC until 6:55 a.m., about one and a half hours after the Release was stopped.
26. Respondent knew or should have known that the Release from the Facility was in a quantity equal to or exceeding its RQ no later than 5:25 a.m. on September 3, 2016.
27. Respondent failed to immediately notify the NRC of the Release as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding the applicable RQ, as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and 40 C.F.R. § 302.6.
28. Respondent violated Section 103 of CERCLA, 42 U.S.C. § 9603, by failing to immediately notify the NRC of the Release as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding the applicable RQ.
29. In failing to comply with Section 103 of CERCLA, Respondent is subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

Count II

Failure to Comply with Section 312 of EPCRA for 2015

30. The allegations of Paragraphs 1 through 29 of this Consent Agreement are incorporated herein by reference.
31. Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. Part 370, requires the owner or operator of a facility that is required to prepare or have available a Material Safety Data Sheet (“MSDS”) or Safety Data Sheet (“SDS”) for a hazardous chemical in accordance with Occupational Safety and Health Administration (“OSHA”) Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200, and at which facility a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an extremely hazardous substance (“EHS”)) is present at any one time during a calendar year in a quantity equal to or greater than its applicable minimum threshold level for reporting (“MTL”) or threshold planning quantity (“TPQ”) established by 40 C.F.R. § 370.10, to submit on or before March 1, 1988, and by March 1st of each year thereafter, a completed Emergency and Hazardous Chemical Inventory

Form ("Chemical Inventory Form") for the previous calendar year identifying the hazardous chemical and providing the information described in Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), to the State Emergency Response Commission ("SERC"), the Local Emergency Planning Committee ("LEPC"), and local fire department with jurisdiction over the facility.

32. Respondent is engaged in a business at the Facility where chemicals are either used, distributed, or are produced for use or distribution.
33. Respondent is an "employer" at the Facility as that term is defined at 29 C.F.R. § 1910.1200(c).
34. Respondent is the owner of a facility that is required to prepare or have available MSDSs or SDSs for any hazardous chemicals present at the Facility under the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200.
35. The State Emergency Response Commission ("SERC") for the Facility is, and at all times relevant to this CAFO has been, the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 540, Building 1, Room EB-80, Baltimore, Maryland 21230.
36. According to information supplied to EPA by Respondent, the chemicals listed in Appendix A to this CAFO (the "Chemicals") were present at the Facility in the amounts listed in Appendix A during calendar year 2015.
37. All of the Chemicals are "hazardous chemicals" as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 40 C.F.R. § 370.66, and/or EHSs, as defined by Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), and 40 C.F.R. § 370.66, and are subject to Section 312 of EPCRA, 42 U.S.C. § 11022, pursuant to Section 312(c) of EPCRA, 42 U.S.C. § 11022(c).
38. The MTLs for the Chemicals, under 40 C.F.R. § 370.10(a), are listed in Appendix A to this CAFO.
39. Each of the Chemicals was present at the Facility during calendar year 2015 in an amount exceeding that chemical's MTL.
40. Respondent failed to submit to the SERC a Chemical Inventory Form for calendar year 2015 by March 1, 2016, identifying the Chemicals as present at the Facility in quantities equal to or greater than their respective MTLs, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d).
41. Respondent violated Section 312 of EPCRA, 42 U.S.C. § 11022, by failing to submit to the SERC a Chemical Inventory Form for the Facility for calendar year 2015.
42. In failing to comply with Section 312 of EPCRA, Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

CIVIL PENALTY

43. 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 TWENTY THOUSAND ONE HUNDRED TWENTY-NINE DOLLARS (\$20,129), which Respondent shall be liable to pay in accordance with the terms set forth below.
44. The above penalty consists of a civil penalty for the violation of Section 103 of CERCLA, 42 U.S.C. § 9603, in the amount of \$18,149 ("CERCLA civil penalty"); and a civil penalty for the violation of Section 312 of EPCRA, 42 U.S.C. § 11022, in the amount of \$1,980 ("EPCRA civil penalty").
45. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 109(a)(3) of CERCLA, 42 U.S.C. § 9609(a)(3), and Section 325(b)(1)(C) of EPCRA, 42 U.S.C. § 11045(b)(1)(C); the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, 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 *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act* (September 30, 1999), which reflects the statutory penalty criteria and factors set forth at CERCLA Section 109(a)(3) and EPCRA Section 325(b)(1)(C); 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.

Payment of CERCLA Penalty

46. Payment of the CERCLA 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:
- All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, **EPCRA-CERCLA-03-2019-0077**;
 - All checks shall be made payable to the "EPA-Hazardous Substances Superfund";
 - 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 979076
St. Louis, MO 63197-9000

Payment of EPCRA Penalty

47. Payment of the EPCRA 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.*, **EPCRA-CERCLA-03-2019-0077**;
 - 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

48. For additional information concerning other acceptable methods of payment of the civil penalty, see:

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

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

Frank A. Fritz, III
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC50)
1650 Arch Street
Philadelphia, PA 19103-2029
fritz.frank@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 CAFO. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed CAFO, with a date stamp indicating the date on which the CAFO 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 CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO 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. Failure by the Respondent to pay the CERCLA civil penalty and the EPCRA civil penalty assessed by the Final Order in accordance with the terms of this CAFO may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.
56. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO.

GENERAL SETTLEMENT CONDITIONS

57. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and represents that, to the best of Respondent's knowledge and belief, this CAFO does not contain any confidential business information or personally identifiable information from Respondent.
58. 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 CAFO, 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

59. 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

60. Nothing in this CAFO 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 CAFO does not constitute a waiver, suspension or modification of the requirements of CERCLA, EPCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

61. This CAFO resolves only EPA's claims for civil penalties for the specific violation(s) alleged against Respondent in this CAFO. 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 CERCLA and EPCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this CAFO after its effective date. Respondent reserves whatever rights or defenses it may have to defend itself in any such action.

EXECUTION/PARTIES BOUND

62. This CAFO 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 CAFO.

EFFECTIVE DATE

63. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial

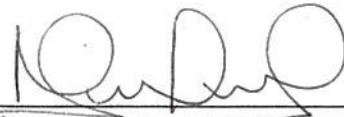
Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

64. This CAFO 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 CAFO.

For Respondent: KEMIRA WATER SOLUTIONS, INC.

Date: 06/13/2019

By: 
Signature

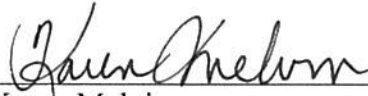
MARCELO LEAL
Name (print)

BALTIMORE SITE MANAGER
Title

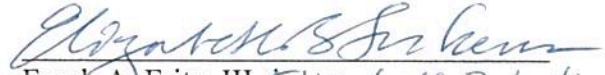
For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and 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: JUL 15 2019

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

Date: 07-01-2019

By: 
~~Frank A. Fritz, III~~ Elizabeth B. Lukens
Senior Assistant Regional Counsel
U.S. EPA – Region III

APPENDIX A

EHS/Hazardous Substance	CAS No.	Minimum Threshold Level (pounds)	Maximum Storage Quantity 2015
Aluminum chloride hydroxide sulfate	39290-78-3	10,000	620,496
Aluminum chlorohydrate solution	1327-41-9	10,000	986,055
Aluminum trihydrate	21645-51-2	10,000	800,000
Chlorine	7782-50-5	100	2,700,000
Ferric chloride solution	7705-08-0	10,000	3,144,180
Ferric sulfate solution	10028-22-5	10,000	4,098,109
Ferrous chloride solution	7758-94-3	10,000	1,146,250
Ferrous sulfate solution	7720-78-7	10,000	1,897,767
Harborlite filter aid	130885-09-5	10,000	87,166
Hydrochloric acid	7647-01-0	10,000	600,480
Hydrochloric acid spent pickle liquor	7758-94-3	10,000	1,251,000
Oxygen	7782-44-7	10,000	55,770
Phosphoric acid	7664-38-2	10,000	77,000
Soda ash	497-19-8	10,000	64,000
Sodium hydroxide	1310-73-2	10,000	77,000
Sulfate spent pickle liquor	7782-63-0	10,000	1,105,884
Sulfuric acid	7664-93-9	500	885,208

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

U.S. EPA-REGION 3-RHC
FILED-16JUL2013PM4:21

IN THE MATTER OF:

**Kemira Water Solutions, Inc.
1000 Parkwood Circle
Suite 500
Atlanta, GA 30339,**

Respondent.

**3925 Fort Armistead Road
Baltimore, Maryland 21226,**

Facility.

**EPA Docket No. EPCRA-CERCLA-03-
2019-0077**

**Proceeding under Sections 103 and 109 of
the Comprehensive Environmental
Response, Compensation and Liability Act,
42 U.S.C. §§ 9603 and 9609, and Sections
312 and 325 of the Emergency Planning
and Community Right-to-Know Act, 42
U.S.C. §§ 11022 and 11045**

FINAL ORDER

Complainant, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Kemira Water Solutions, 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 *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act* (September 30, 1999), and the statutory factors set forth in Section 109(a)(3) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") and Section 325(b)(1)(C) of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045(b)(1)(C).


NOW, THEREFORE, PURSUANT TO Section 109 of CERCLA, 42 U.S.C. § 9609; Section 325 of EPCRA, 42 U.S.C. § 11045; 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 **TWENTY THOUSAND ONE HUNDRED TWENTY-NINE DOLLARS (\$20,129)**, in accordance with the payment provisions set forth in the Consent Agreement, 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 CERCLA, EPCRA 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.

July 16, 2019
Date



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

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

U.S. EPA-REGION 3-RHC
FILED-16JUL2019pm4:21

IN THE MATTER OF:

Kemira Water Solutions, Inc.
1000 Parkwood Circle
Suite 500
Atlanta, GA 30339,

Respondent.

3925 Fort Armistead Road
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and Community Right-to-Know Act, 42
U.S.C. §§ 11022 and 11045

CERTIFICATE OF SERVICE

I certify that on JUL 16 2019, the original and one (1) copy of the
foregoing *Consent Agreement and Final Order*, were filed with the EPA Region III Regional
Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and
correct copy of the same to each of the following persons, in the manner specified below, at the
following addresses:

Copy served via UPS Next Day Delivery to:

Marcelo Leal, Baltimore Site Manager
Kemira Water Solutions, Inc.
3925 Fort Armistead Road
Baltimore, MD 21226

Copies served via Hand Delivery or Inter-Office Mail to:

Elizabeth B. Lukens
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC20)
1650 Arch Street
Philadelphia, PA 19103-2029
(Attorney for Complainant)

Kemira Water Solutions, Inc.

EPA Docket No. EPCRA-CERCLA-03-2019-0077

Dated: JUL 16 2019

Bethina L Dunn

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S): 1Z A43 F710198718500