



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

In the Matter of:)	
)	EPA Docket No.: EPCRA-03-2008-0162
International Refrigerated Port Services, LLC)	
4808 Radford Avenue)	
Richmond, Virginia)	
23230,)	
)	
Respondent.)	Proceedings Pursuant to Sections 311, 312, and 325 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11021, 11022, 11045
)	
International Refrigerated Port Services, LLC)	
8791 Hampton Boulevard (Pier 3))	
Norfolk, Virginia)	
23505,)	
)	
Facility.)	
)	

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 COMMUNITY RELATIONS DIVISION

CONSENT AGREEMENT

STATUTORY AUTHORITY

This Consent Agreement (“CA”) is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 325 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045, and under the authority provided by the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits” (“Consolidated Rules of Practice”), 40 C.F.R. Part 22, (“Part 22”). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III (“Complainant”).

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as "CA/FO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

FINDINGS OF FACT

The Respondent, International Refrigerated Port Services, LLC, ("IRPS" or "Respondent"), by its attorney or other authorized representative, stipulates, for the purposes of this proceeding and EPA finds as follows:

1. Respondent is a Virginia limited liability company with its principal place of business located at 8791 Hampton Boulevard, in Norfolk, Virginia.
2. As a limited liability company, Respondent is a "person" as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and 40 C.F.R. § 370.2.
3. Beginning in or about 1997, continuing through the date of filing this CA/FO, and at all times relevant to this CA/FO, Respondent has operated the facility located at 8791 Hampton Boulevard (Pier 3), in Norfolk, Virginia, ("IRPS facility" or "Facility"), within the meaning of Section 312 of EPCRA, 42 U.S.C. § 11022.
4. The IRPS facility is a "facility" as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 370.2.
5. On May 11, 2006, EPA conducted an inspection of the IRPS facility to determine its compliance with the requirements of Sections 302-312 of EPCRA, 42 U.S.C. §§ 11002-11022.
6. The state emergency response commission ("SERC") for the IRPS facility is, and has been at all times relevant to this CA/FO, the Virginia Emergency Response Council, c/o Virginia Department of Environmental Quality, SARA Title III Program, P.O. Box 1105, in Richmond, Virginia.
7. The local emergency planning committee ("LEPC") and local fire department for the IRPS facility is, and has been at all times relevant to this CA/FO, the City of Norfolk Fire-Rescue, located at 100 Brook Avenue, Suite 400, in Norfolk, Virginia.

8. Section 311 of EPCRA, 42 U.S.C. § 11021, as implemented by 40 C.F.R. Part 370, requires an owner or operator of a facility required to prepare or have available a Material Safety Data Sheet (“MSDS”) for a hazardous chemical in accordance with the 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 is present at any one time a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an extremely hazardous chemical (“EHS”)) in a quantity equal to or greater than its applicable minimum threshold for reporting (“MTL”) or threshold planning quantity (“TPQ”) established by 40 C.F.R. § 370.20(b), to submit, either MSDSs for, or a list identifying, those hazardous chemicals to the appropriate SERC, LEPC, and local fire department with jurisdiction over the facility, on or before October 17, 1990, or within three months after meeting the MTL or TPQ.

9. 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 required to prepare or have available an MSDS for a hazardous chemical in accordance with the 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 EHS) is present at any one time during a calendar year in a quantity equal to or greater than its applicable MTL or TPQ, 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”) identifying the hazardous chemical and providing the information described in Section 312(d)(1) of EPCRA, 42 U.S.C. § 11022(d)(1), to the appropriate SERC, LEPC, and local fire department with jurisdiction over the facility.

10. Sulfuric acid, Chemical Abstracts Service (“CAS”) No. 7664-93-9, is a component of a lead-acid battery.

11. Sulfuric acid is a “hazardous chemical” as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), 40 C.F.R. § 370.2, and 29 C.F.R. § 1910.1200(c).

12. Sulfuric acid is an “extremely hazardous chemical” as defined by Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), and 40 C.F.R. § 370.2, and listed at 40 C.F.R. Part 355, Appendices A and B.

13. Pursuant to 40 C.F.R. § 370.20(b)(1), the MTL for sulfuric acid is 500 pounds.

14. Pursuant to 40 C.F.R. § 370.28(c), if the total quantity of an EHS present as a component in a mixture plus all other quantities of that EHS present at the facility exceeds its MTL, the owner or operator of the facility may report either the total quantity of the mixture or the EHS component of the mixture.

15. At all times relevant to this CA/FO, Respondent was a person engaged in a business where chemicals were either used, distributed, or produced for use or distribution.

16. At all times relevant to this CA/FO, Respondent was an “employer” as that term is defined at 29 U.S.C. § 1910.1200(c).

17. At all times relevant to this CA/FO, Respondent was required to have MSDSs at its IRPS facility for each hazardous chemical it uses, pursuant to 29 C.F.R. § 1910.1200(g).

18. At all times relevant to this CA/FO, Respondent was the owner or operator of a facility that is required to prepare or have available an MSDS for hazardous chemicals under the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200.

**EPA’S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – SERC**

19. The findings of fact contained in paragraphs 1 through 18 of this CA/FO are incorporated by reference herein as though fully set forth at length.

20. Beginning in calendar year 2003, Respondent had present at its IRPS facility sulfuric acid in lead-acid batteries in a quantity exceeding its MTL of 500 pounds.

21. Respondent was required to submit to the SERC either an MSDS for sulfuric acid or lead-acid batteries, or list of hazardous chemicals identifying sulfuric acid or lead-acid batteries as being present at the IRPS facility in a quantity exceeding the MTL for sulfuric acid, no later than three months after Respondent had sulfuric acid present at the IRPS facility in an amount equal to or greater than its MTL.

22. Respondent submitted an MSDS for lead-acid batteries to the SERC on or about February 1, 2008.

**EPA’S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – SERC**

23. Respondent’s failure to submit to the SERC either an MSDS for sulfuric acid or lead-acid batteries or a list of hazardous chemicals identifying sulfuric acid or lead-acid batteries as present at the IRPS facility in a quantity exceeding the MTL for sulfuric acid within three months after Respondent had sulfuric acid present at the facility in a quantity exceeding its MTL, constitutes a violation of Section 311 of EPCRA, 42 U.S.C. § 11021, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – LEPC/FIRE DEPARTMENT**

24. The allegations contained in paragraphs 1 through 23 of this CA/FO are incorporated by reference herein as though fully set forth at length.

25. Respondent was required to submit to the LEPC and the local fire department either an MSDS for sulfuric acid or lead-acid batteries, or list of hazardous chemicals identifying sulfuric acid or lead-acid batteries as being present at the IRPS facility in a quantity exceeding the MTL for sulfuric acid, no later than three months after Respondent had sulfuric acid in lead-acid batteries present at the IRPS facility in an amount equal to or greater than its MTL.

26. Respondent submitted an MSDS for lead-acid batteries to the LEPC/fire department on or about February 1, 2008.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 311 OF EPCRA – LEPC/FIRE DEPARTMENT**

27. Respondent's failure to submit to the LEPC/fire department either an MSDS for sulfuric acid or lead-acid batteries or a list of hazardous chemicals identifying sulfuric acid or lead-acid batteries as present at the IRPS facility in a quantity exceeding the MTL for sulfuric acid within three months after Respondent had sulfuric acid present at the facility in a quantity exceeding its MTL, constitutes a violation of Section 311 of EPCRA, 42 U.S.C. § 11021, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 – SERC**

28. The allegations contained in paragraphs 1 through 27 of this CA/FO are incorporated by reference herein as though fully set forth at length.

29. During calendar year 2005, Respondent had present at its IRPS facility sulfuric acid in lead-acid batteries in a quantity greater than its MTL.

30. By March 1, 2006, Respondent was required to submit to the SERC, LEPC, and local fire department, Chemical Inventory Forms identifying sulfuric acid or lead-acid batteries as present at the IRPS facility during calendar year 2005 in quantities greater than the MTL for sulfuric acid, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about sulfuric acid or lead-acid batteries.

31. On or about February 28, 2006, Respondent submitted a Chemical Inventory Form to the SERC, listing ammonia, CAS No. 7664-41-7, as the only hazardous chemical present at the IRPS facility in a quantity greater than its MTL during calendar year 2005.

32. On or about January 30, 2008, Respondent submitted a Chemical Inventory Form to the SERC listing ammonia, sulfuric acid, and lead, as hazardous chemicals present at the IRPS facility in quantities greater than their respective MTLs during calendar year 2005.

33. Respondent did not submit a Chemical Inventory Form to the SERC by March 1, 2006, identifying sulfuric acid or lead-acid batteries as present at the IRPS facility during calendar year 2005, in quantities greater than the MTL for sulfuric acid.

34. Respondent failed to submit to the SERC by March 1, 2006, a complete and accurate Chemical Inventory Form for the IRPS facility for calendar year 2005.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 – SERC**

35. Respondent's failure to submit to the SERC by March 1, 2006, a complete and accurate Chemical Inventory Form for the IRPS facility for calendar year 2005, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 –
LEPC/FIRE DEPARTMENT**

36. The allegations contained in paragraphs 1 through 35 of this CA/FO are incorporated by reference herein as though fully set forth at length.

37. On or about February 28, 2006, Respondent submitted a Chemical Inventory Form to the LEPC/fire department, listing ammonia, CAS No. 7664-41-7, as the only hazardous chemical present at the IRPS facility in quantities greater than its MTL during calendar year 2005.

38. On or about January 30, 2008, Respondent submitted a Chemical Inventory Form to the LEPC/fire department, listing ammonia, sulfuric acid, and lead, as hazardous chemicals present at the IRPS facility in quantities greater than their respective MTLs during calendar year 2005.

39. Respondent did not submit a Chemical Inventory Form to the LEPC/fire department by March 1, 2006, identifying sulfuric acid or lead-acid batteries as present at the IRPS facility during calendar year 2005, in quantities greater than the MTL for sulfuric acid.

40. Respondent failed to submit to the LEPC by March 1, 2006, a complete and accurate Chemical Inventory Form for the IRPS facility for calendar year 2005.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2005 –
LEPC/FIRE DEPARTMENT**

41. Respondent's failure to submit to the LEPC/fire department by March 1, 2006, a complete and accurate Chemical Inventory Form for the IRPS facility for calendar year 2005, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2004**

42. The allegations contained in paragraphs 1 through 41 of this CA/FO are incorporated by reference herein as though fully set forth at length.

43. During calendar year 2004, Respondent had present at its IRPS facility sulfuric acid in lead-acid batteries in a quantity greater than the MTL for sulfuric acid.

44. By March 1, 2005, Respondent was required to submit to the SERC, LEPC, and local fire department, Chemical Inventory Forms identifying sulfuric acid or lead-acid batteries as present at the IRPS facility during calendar year 2004 in quantities greater than the MTL for sulfuric acid, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about sulfuric acid or lead-acid batteries.

45. On or about February 25, 2005, Respondent submitted a Chemical Inventory Form to the LEPC/fire department, listing ammonia as the only hazardous chemical present at the IRPS facility in quantities greater than its MTL during calendar year 2004.

46. On or about February 2, 2008, Respondent submitted Chemical Inventory Forms to the SERC and LEPC/fire department, listing ammonia, sulfuric acid, and lead, as hazardous chemicals present at the IRPS facility in quantities greater than their respective MTLs during calendar year 2004.

47. Respondent did not submit Chemical Inventory Forms to the SERC and LEPC/fire department by March 1, 2005, identifying sulfuric acid or lead-acid batteries as present at the IRPS facility during calendar year 2004, in quantities greater than the MTL for sulfuric acid.

48. Respondent failed to submit to the SERC and LEPC/fire department by March 1, 2005, complete and accurate Chemical Inventory Forms for the IRPS facility for calendar year 2004.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2004**

49. Respondent's failure to submit to the SERC and LEPC/fire department by March 1, 2005, complete and accurate Chemical Inventory Forms for the IRPS facility for calendar year 2004, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2003**

50. The allegations contained in paragraphs 1 through 49 of this CA/FO are incorporated by reference herein as though fully set forth at length.

51. During calendar year 2003, Respondent had present at its IRPS facility sulfuric acid in lead-acid batteries in a quantity greater than the MTL for sulfuric acid.

52. By March 1, 2004, Respondent was required to submit to the SERC, LEPC, and local fire department, Chemical Inventory Forms identifying sulfuric acid or lead-acid batteries as present at the IRPS facility during calendar year 2003 in quantities greater than the MTL for sulfuric acid, and providing the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about sulfuric acid or lead-acid batteries.

53. On or about February 24, 2004, Respondent submitted a Chemical Inventory Form to the SERC, listing ammonia as the only hazardous chemical present at the IRPS facility in quantities greater than its MTL during calendar year 2003.

54. On or about February 20, 2004, Respondent submitted a Chemical Inventory Form to the LEPC/fire department, listing ammonia as the only hazardous chemical present at the IRPS facility in quantities greater than its MTL during calendar year 2003.

55. On or about February 2, 2008, Respondent submitted a Chemical Inventory Form to the SERC and LEPC/fire department, listing ammonia, sulfuric acid, and lead, as hazardous chemicals present at the IRPS facility in quantities greater than their respective MTLs during calendar year 2003.

56. Respondent did not submit Chemical Inventory Forms to the SERC and LEPC/fire department by March 1, 2004, identifying sulfuric acid or lead-acid batteries as present at the IRPS facility during calendar year 2003, in quantities greater than the MTL for sulfuric acid.

57. Respondent failed to submit to the SERC and LEPC/fire department by March 1, 2004, complete and accurate Chemical Inventory Forms for the IRPS facility for calendar year 2003.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA – CALENDAR YEAR 2003**

58. Respondent's failure to submit to the SERC and LEPC/fire department by March 1, 2004, complete and accurate Chemical Inventory Forms for the IRPS facility for calendar year 2003, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

CIVIL PENALTY

59. For the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violations of Sections 311 and 312 of EPCRA, 42 U.S.C. §§ 11021, 11022 set forth above, in the amount of \$20,800.00.

PAYMENT TERMS

60. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalty described in this CA/FO, the Respondent must pay the civil penalty, totaling \$20,800.00, no later than thirty (30) days after the effective date of the Final Order (the "final due date") by submitting a cashier's check, for the penalty payable to "United States Treasury," in the amount of \$20,800.00 to:

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

61. The Respondent shall note on the penalty-payment check the title and docket number of this case. The Respondent shall submit a copy of the check to the following persons:

Lydia Guy (3RC00) Regional Hearing Clerk U.S. EPA, Region III 1650 Arch Street Philadelphia, PA 19103-2029	and	Allison F. Gardner (3RC42) Assistant Regional Counsel U.S. EPA Region III 1650 Arch Street Philadelphia, PA 19103-2029
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62. The EPCRA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 325 of EPCRA, 42 U.S.C. § 11045, and is consistent with 40 C.F.R. Part 19 and the *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)*.

63. 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 by the final due date or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

64. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty 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). Interest on any stipulated penalties assessed pursuant to this CA/FO will begin to accrue on the date that a written demand for such penalties is mailed or hand-delivered to Respondent.

65. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash 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 final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

66. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 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, in accordance with 31 C.F.R. § 901.9(d).

67. Failure by the Respondent to pay the \$20,800.00 penalty assessed by the Final Order ("FO") in full by the final due date may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to 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.

GENERAL PROVISIONS

68. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations set forth above.

69. Respondent agrees not to contest the Environmental Protection Agency's jurisdiction with respect to the execution or enforcement of the CA/FO.

70. For the purpose of this proceeding, Respondent neither admits nor denies factual allegations set forth in this CA, but expressly waives its rights to contest said allegations.

71. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the FO under Section 325 of EPCRA, 42 U.S.C. § 11045.

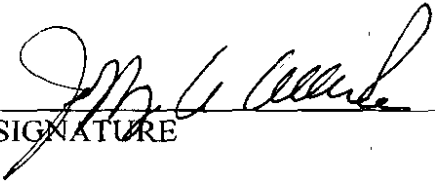
72. The provisions of the CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this CA on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this CA and to legally bind Respondent to the terms and conditions of the CA and accompanying FO.

73. This CA/FO resolves only those civil claims which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

74. Each party to this action shall bear its own costs and attorney's fees.

75. By entering into this CA/FO, the Respondent does not admit any liability for the civil claims alleged herein.

FOR INTERNATIONAL REFRIGERATED PORT SERVICES, LLC


SIGNATURE

03/25/2008
DATE


Name: *Jeffrey A. Allende*

Title: *Treasurer*

In re: International Refrigerated Port Services, LLC

U.S. EPA Docket No. EPCRA-03-2008-0162

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY


James J. Burke, Director
Hazardous Site Cleanup Division

3/27/08
DATE



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

In the Matter of:)	
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23230,)	
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Respondent.)	Proceedings Pursuant to Sections 311, 312, and
)	325 of the Emergency Planning and Community
)	Right-to-Know Act of 1986, 42 U.S.C. §§ 11021,
International Refrigerated Port)	11022, 11045
Services, LLC)	
8791 Hampton Boulevard (Pier 3))	
Norfolk, Virginia)	
23505,)	
)	
Facility.)	
)	

FINAL ORDER

Pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045, the delegated authority of the undersigned, and in accordance with 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, having determined that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 325 of EPCRA, 42 U.S.C. § 11045, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement.

Effective Date

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Renée Sarajian

 Renée Sarajian
 Regional Judicial Officer
 EPA, Region III

3/28/08

 DATE



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

In the Matter of:)

EPA Docket No.: EPCRA-03-2008-0162

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8791 Hampton Boulevard (Pier 3))
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Facility.)

Consent Agreement and Final Order

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MAR 31 AM 9:25
EPCRA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the signed Consent Agreement and Final Order with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order were sent by first class mail to:

Jeffrey A. Allende
International Refrigerated Port Services, LLC
4808 Radford Avenue
Richmond, Virginia 23505

3/31/08
DATE

Allison F. Gardner
Allison F. Gardner (3RC42)
Assistant Regional Counsel
Counsel for Complainant
(215) 814-2631