

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

In the Matter of:

**W.R. Grace & Co. – Conn.
7500 Grace Drive
Columbia, Maryland 21044**

Respondent,

**W.R. Grace & Co.-Conn.
7500 Grace Drive
Columbia, Maryland 21044**

Facility.

U.S. EPA Docket RCRA-03-2016-0005

**Proceeding under Section 3008(a) and
(g) of the Resource Conservation and
Recovery Act, as amended, 42 U.S.C.
Section 6928(a) and (g)**

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CONSENT AGREEMENT

This Consent Agreement is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“EPA”, “Agency” or “Complainant”) and W.R. Grace & Co. - Conn., (“Respondent”) pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as “RCRA”), 42 U.S.C. §§ 6928(a) and (g), 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, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order address alleged violations by Respondent of Subtitle C of RCRA and the State of Maryland Hazardous Waste Management Regulations (“MdHWMR”), set forth at the Code of Maryland Regulations (“COMAR”), Title 26, Subtitle 13 et seq. in connection with Respondent’s facility located at 7500 Grace Drive, Columbia, Maryland 21044 (the “Facility”).

The MdHWMR were originally authorized by EPA on February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Revisions to the MdHWMR set forth at COMAR, Title 26, Subtitle 13 were authorized by EPA effective July 31, 2001 and September 24, 2004. The provisions of the revised authorized program are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

I. GENERAL PROVISIONS

1. Pursuant to § 22.13(b) of the Consolidated Rules of Practice, this Consent Agreement and the attached Final Order (hereinafter jointly referred to as this “CAFO”) simultaneously commence and conclude an administrative proceeding against Respondent, brought under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), to resolve alleged violations of RCRA at Respondent’s Facility.
2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement.
3. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this Consent Agreement, except as provided in Paragraph 2, above.
4. For the purposes of this proceeding only, Respondent agrees not to contest EPA’s jurisdiction with respect to the execution and issuance of this CAFO, or the enforcement of this CAFO.
5. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
6. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
7. Each party shall bear its own costs and attorney’s fees in connection with this proceeding.

Notice of Action to the State of Maryland

8. EPA has given the State of Maryland, through the Maryland Department of the Environment (“MDE”), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
9. Upon making a determination that any person has violated or is in violation of any requirement of RCRA Subtitle C, and upon satisfying the notification requirements of RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2), RCRA Section 3008(a)(1), 42 U.S.C. § 6928(a)(1), authorizes the Administrator of EPA to issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

10. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following findings of fact and conclusions of law:

11. Respondent, W.R. Grace & Co. - Conn., is a Connecticut corporation and is a “person” as defined by RCRA Section 1004(15), 42 U.S.C. § 6903(15), and COMAR 26.13.01.03B.
12. Respondent is and has been, through the period of the violations alleged herein, the “owner” and “operator” of a “facility” located at 7500 Grace Drive, Columbia, Maryland as these terms are defined by COMAR 26.13.01.03B. Such facility is hereinafter referred to as the “Facility”.
13. Respondent is and has been, through the period of the violations alleged herein, a “generator” of, and has engaged in the “storage” of, materials that are “solid wastes” and “hazardous waste” at the Facility as those terms are defined by COMAR 26.13.01.03B, as described below.
14. Respondent is and, at all times relevant to the violations in this CAFO has been, a large quantity generator who generates hazardous waste in an amount equal to or greater than 1,000 kilograms per month. Respondent is assigned EPA ID No. MDD074933961.
15. Respondent is a small quantity handler of universal waste as that term is used in COMAR 26.13.01.03B(72-2).
16. On June 19 and 20, 2013, EPA representatives conducted a Compliance Evaluation Inspection (“CEI”) of the Facility.
17. On January 23, 2015, EPA sent Respondent information request letters (“IRL”) pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a), regarding generation and management of hazardous wastes at the Facility.
18. These findings of fact and conclusions of law encompass the violations that may be alleged based on the information obtained from the CEI and January 23, 2015 IRL.

COUNT I

(Operating a hazardous waste storage facility without a permit or interim status)

19. The preceding paragraphs are incorporated by reference.
20. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, provide, with certain exceptions not relevant here, that a person may not operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility.
21. RCRA § 3005(e), 42 U.S.C. § 6925(e), provides, in pertinent part, that any person who owns or operates a facility required to have a permit under RCRA § 3005, which facility was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory provisions that render the facility subject to the requirement to

have a permit, has complied with the notification requirements of RCRA § 3010(a), 42 U.S.C. § 6930(a), and has applied for a permit under RCRA § 3005, shall be treated as having been issued such permit (*i.e.*, “interim status”) until such time as final administrative disposition of such application is made.

22. Respondent has never had “interim status” pursuant to RCRA Section 3005(e) or a permit issued pursuant to RCRA Section 3005(a) for the treatment, storage, or disposal of hazardous waste at the Facility.
23. Pursuant to COMAR 26.13.03.05E, generators of hazardous waste who accumulate hazardous waste on-site for less than 90 days are exempt from the requirement to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with a number of conditions set forth in that section, including, *inter alia*:
 - a. Pursuant to COMAR 26.13.03.05E(1), the generator must accumulate the waste for 90 days or less.
 - b. Pursuant to COMAR 26.13.03.05E(1)(d), the generator must accumulate any hazardous waste stored in containers in accordance with COMAR 26.13.05.09, which provides, at COMAR 26.13.05.09D, that the containers must be closed during storage of hazardous waste except when it is necessary to add or remove waste.
 - c. Pursuant to COMAR 26.13.03.05E(1)(e), the date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container of hazardous waste.
 - d. Pursuant to COMAR 26.13.03.05E(1)(f)(ii), the generator must properly label or mark clearly each container of hazardous waste with the words “Hazardous Waste” while accumulating hazardous waste on site.
24. Pursuant to COMAR 26.13.03.05E(3)(a), the generator may accumulate as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste listed in COMAR 26.13.02.19E in containers in a satellite accumulation area at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with COMAR 26.13.03.05E(1), provided, *inter alia*, the generator complies with COMAR 26.13.05.09B - D and keeps the satellite containers closed during storage, except when necessary to add or remove waste in accordance with COMAR 26.13.05.09D.
25. Pursuant to COMAR 26.13.03.05E(3)(b), the generator may accumulate as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste listed in COMAR 26.13.02.19E in containers in a satellite accumulation area at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with

COMAR 26.13.03.05E(1), provided, *inter alia*, the satellite containers are marked with the words “Hazardous Waste” or other words to identify the contents of the containers.

26. Respondent was not eligible for the permit exemptions under COMAR 26.13.03.05E(1) and (3) with respect to the on-site storage of the hazardous waste at the Facility because it did not meet the following conditions for those exemptions:

a. From November 21, 2012 until June 21, 2013 Respondent accumulated hazardous waste on site for longer than the 90 days allowed under COMAR 26.13.03.05E(1). Specifically, six drums with the hazardous waste code D003 were stored for 210 days, one drum with the hazardous waste codes D002 and D003 was stored for 103 days, one drum with the hazardous waste codes D002 and D003 was stored for 119 days, and one drum with the hazardous waste code D003 was stored for 181 days at the Facility.

b. On June 19, 2013, Respondent failed to properly label and mark each container of hazardous waste being stored on site with the words “Hazardous Waste” as required by COMAR 26.13.03.05E(1)(f)(ii). Specifically, in Room 16-036 at the Facility, the following containers of hazardous waste were not labeled with the words “Hazardous Waste” while being stored on site as required by COMAR 26.13.03.05E(1)(f)(ii): a five-gallon carboy of hazardous waste; eight five-gallon pails containing small bottles and ampules of hazardous waste; four tubs containing bottles, jars and other containers of hazardous waste; one fifteen-gallon drum of hazardous waste, three twenty-gallon plastic drums of hazardous waste; one twenty-gallon fiber drum of hazardous waste, and two thirty-gallon fiber drums of hazardous waste.

c. On June 19, 2013, Respondent did not date each container of hazardous waste as required by COMAR 26.13.03.05E(1)(e). Specifically, in Room 16-036 at the Facility, these containers of hazardous waste were not dated while being stored on site as required by COMAR 26.13.03.05E(1)(e): a five-gallon carboy of hazardous waste; seven five-gallon pails containing small bottles and ampules of hazardous waste; three one-gallon bottles of hazardous waste, four tubs containing bottles, jars and other containers of hazardous waste; one fifteen-gallon drum of hazardous waste; one twenty-gallon plastic drum of hazardous waste, and one thirty-gallon drum of hazardous waste.

d. On June 19, 2013, Respondent accumulated hazardous waste in containers in a satellite accumulation area without marking such containers with the words: “Hazardous Waste” or with other words that identify the contents of the containers as required by COMAR 26.13.03.05E(3)(b). Specifically, at the Facility, Respondent did not mark one one-gallon waste container and one Erlenmeyer flask used to collect hazardous waste from High Performance Liquid Chromatographs with the words: “Hazardous Waste” or with other words that identify the contents of the containers.

e. On June 19, 2013, Respondent accumulated hazardous waste in containers in a satellite accumulation area without keeping the satellite containers closed during storage, except when necessary to add or remove waste as required by COMAR 26.13.03.05E(3),

which incorporates by reference the requirements and provisions of COMAR 26.13.05.09D. Specifically, at the Facility, Respondent did not keep one 2.5-gallon carboy and one Erlenmeyer flask used to collect hazardous waste from High Performance Liquid Chromatographs and a five-gallon carboy used to collect solvent hazardous waste closed except when necessary to add or remove waste from those containers.

27. For each of the reasons set forth in Paragraph 26(a) – (e), above, Respondent did not meet the requirements for a permit exemption under COMAR 26.13.03.05E and therefore violated COMAR 26.13.07.01A and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by operating a hazardous waste storage facility (i.e., the Facility) without a permit or interim status.

COUNT II

(Failure to keep containers closed during storage)

28. The preceding paragraphs are incorporated by reference.
29. COMAR 26.13.05.09D provides that a container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.
30. On June 19, 2013, Respondent was storing several containers of hazardous waste, as described in Paragraph 26(e), above, at the Facility that were not closed at a time when necessary to add or remove waste, as required by COMAR 26.13.05.09D.
31. Respondent's acts and/or omissions as alleged in Paragraph 30, above, constitute violations of COMAR 26.13.05.09D.

COUNT III

(Failure to conduct weekly inspections of Hazardous Waste Storage Area)

32. The preceding paragraphs are incorporated by reference.
33. COMAR 26.13.05.09(E) requires the owner or operator of a hazardous waste facility to inspect areas where hazardous waste containers are stored, at least weekly, to look for leaks and for deterioration of the containers and the containment system caused by corrosion or other factors.
34. The Facility failed to perform an inspection of the Facility hazardous waste storage area, as required by COMAR 26.13.05.09(E), during the weeks of April 3, 2011, July 3, 2011, November 20, 2011, January 29, 2012, September 3, 2012, September 30, 2012, February 17, 2013 and June 9, 2013.

35. Respondent's acts and/or omissions, as alleged in Paragraph 34 above, constitute violations of COMAR 26.13.05.09(E).

COUNTS IV- VI

(Failure to properly Label, Date and Store Universal Waste Lamps)

36. The preceding paragraphs are incorporated by reference.
37. COMAR 26.13.10.15B(1)(d) requires small quantity handlers of universal waste lamps to keep containers or packages of universal waste lamps closed except when necessary to add or remove waste.
38. COMAR 26.13.10.17A requires small quantity handlers of universal waste lamps to label each container or package in which universal waste lamps are being held with one of the following phrases: "Universal Waste-Lamps," "Waste Lamp(s)" or "Used Lamps."
39. COMAR 26.13.10.17B(3) requires small quantity handlers of universal waste lamps to:
- (a) be able to demonstrate the length of time universal waste has been accumulated from the date it became a waste or is received; and (b) to make such demonstration made by:
 - (i) placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste;
 - (ii) marking or labeling each individual item of universal waste with the date the individual item became a waste;
 - (iii) maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received by the handler;
 - (iv) maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste;
 - (v) placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste; or
 - (vi) any other method that clearly demonstrates the universal waste has been accumulated.
40. On June 19, 2013, Respondent stored universal waste lamps in a container marked with the word "bad" and no other label or marking.

41. On June 19, 2013, Respondent stored universal waste lamps in two containers that were not closed and no universal waste lamps were being added to or removed from the containers.
42. On June 19, 2013, Respondent stored universal waste lamps in a container that was undated, and the Facility did not have any other means to demonstrate the earliest date such universal waste lamps became a waste.
43. Respondent's acts and/or omissions as alleged in Paragraphs 40, 41 and 42, above, constitute violations of COMAR 26.13.10.15B(1)(d), COMAR 26.13.10.17A(2)(e), and COMAR 26.13.10.17B.

III. CIVIL PENALTIES

44. Respondent agrees to pay a civil penalty in the amount of **\$96,000** in settlement of the alleged violations set forth in this CAFO, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of the fully executed and filed CAFO. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO, Respondent must pay the civil penalty no later than sixty (60) calendar days after the date on which a copy of the fully executed and filed CAFO is mailed or hand-delivered to Respondent.
45. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including the penalty criteria set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the November 16, 2009 Memorandum by EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division Director Rosemarie A. Kelly, entitled *Adjusted Penalty Matrices based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule*.
46. Respondent shall remit the full penalty pursuant to paragraph 44, above, and/or any administrative fees and late payment penalties, by cashier's check, certified check or electronic wire transfer, in the following manner:
 - A. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2016-0005

- B. All checks shall be made payable to “**United States Treasury**”;
- C. All payments made by check and sent by regular mail shall be addressed to:

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

Contact: Craig Steffen 513-487-2091

- D. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1818

- E. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

- F. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking
Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737

Contact: John Schmid 202-874-7026 or REX, 1-866-234-5681

G. On-Line Payment Option: WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

H. Point Of Contact regarding payment questions (i.e. how to make payment via wire, ACH, check, pay.gov): Craig Steffen, 513-487-2091, steffen.craig@epa.gov

Additional payment guidance is available at:
<http://www2.epa.gov/financial/makepayment>.

47. At the time of payment, Respondent shall send a notice of such payment, including a copy of any check or electronic transfer, as appropriate, to:

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Joyce A. Howell
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

48. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this CAFO.

49. 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 as specified in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

50. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the 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 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).
51. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 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 payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which 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).

IV. EFFECT OF SETTLEMENT

52. Payment of the penalty specified in Paragraph 44 above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Sections 3008(a) and (g), for the violations alleged in Counts I through VI, above. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and regulations administered by EPA. Nothing in this Consent Agreement requires Respondent to perform any compliance tasks.

V. RESERVATION OF RIGHTS

53. This CAFO resolves only EPA's claims for civil penalties for the violations alleged in the 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. In addition, 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. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

VI. OTHER APPLICABLE LAWS

54. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

VII. CERTIFICATION OF COMPLIANCE

55. Respondent certifies to Complainant by its representative's signature hereto, to the best of its knowledge and belief, that Respondent and the Facility are in compliance with all relevant provisions of the federally authorized MdHWMR, and of the RCRA Subtitle C, 42 U.S.C. §§ 6921 – 6939g, for which violations are alleged in this Consent Agreement.

VIII. PARTIES BOUND

56. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of each party acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind his or her party to the terms and conditions of this Consent Agreement and the accompanying Final Order.

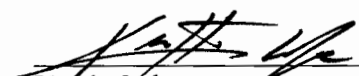
IX. EFFECTIVE DATE

57. The effective date of this CAFO is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

For Respondent:

W.R. Grace & Co.-Conn.


12/3/15
Date

by: 
Keith Cole
Vice President, Government Relations &
Environment, Health, and Safety

For Complainant:

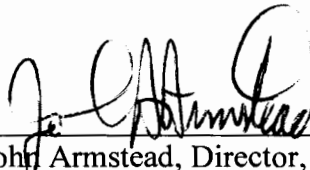
U.S. Environmental Protection Agency,
Region III

12/8/2015
Date

by: 
Joyce A. Howell
Sr. Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

12.9.15
Date




John Armstead, Director,
Land and Chemicals Division
EPA Region III

upon a consideration of the factors set forth in Section §§ 3008(a)(3) and (g), 42 U.S.C. §§ 6928(a)(3) and (g), IT IS HEREBY ORDERED that Respondent pay a civil penalty of **\$96,000**, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

The effective date of this Consent Agreement and Final Order is the date on which such Final Order is filed with the Regional Hearing Clerk.

Dec. 10, 2015
Date:



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

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:

W.R. Grace & Co. – Conn.
7500 Grace Drive
Columbia, Maryland 21226

Respondent,

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Facility.

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EPA REGION III
PHILADELPHIA, PA


CERTIFICATE OF SERVICE

I certify that I sent a copy of the Consent Agreement and Final Order in the above-captioned matter to the addressee and in the manner listed below. The original and one copy of the Complaint were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

Via UPS, next day delivery to:

Pamela D. Marks, Esq.
Beveridge & Diamond, PC
201 North Charles Street
Suite 2210
Baltimore, MD 21201-4150

Dated: 12/10/2015



Joyce A. Howell
Senior Assistant Regional Counsel