

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Kevin P. Pechulis 1/14/20  
Name of Case Attorney Date

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

Case Docket Number TSCA-01-2020-0015

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:

Jon A. Fitzgerald  
Bath Iron Works Corporation  
700 Washington Street  
Bath, ME 04530

Total Dollar Amount of Receivable \$ 22,479 Due Date: 2/9/20

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

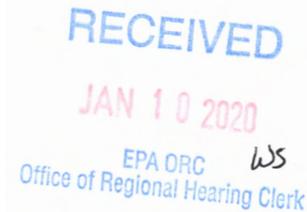


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**BY HAND**

January 10, 2020

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (ORC 04-6)  
Boston, Massachusetts 02109-3912



Re: *In the Matter of Bath Iron Works Corporation, Docket No. TSCA-01-2020-0015;*  
*Approved Consent Agreement and Final Order*

Dear Ms. Santiago:

Please find enclosed for filing the original and one copy of a Consent Agreement and Final Order (CAFO) that will initiate and resolve the above-referenced enforcement case. Also enclosed is the original and one copy of a certificate of service documenting that, on this date, a copy of the CAFO and this cover letter were mailed to the Respondent.

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in blue ink that reads "Kevin P. Pechulis".

Kevin P. Pechulis, Enforcement Counsel  
Counsel for Complainant  
U.S. EPA Region 1

Enclosures

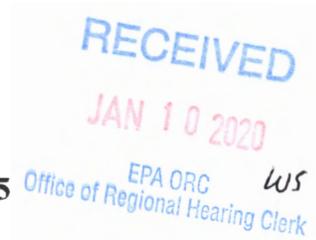
cc: LeAnn W. Jensen, Regional Judicial Officer (without enclosures)  
Jon A. Fitzgerald, Esq., Vice President & General Counsel, BIW  
Laura M. O'Hanlon, Esq., Assistant General Counsel, BIW (by email)  
Marianne Milette, EPA Region 1 PCB Enforcement Coordinator (by email)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

In the Matter of: )  
)  
Bath Iron Works Corporation )  
700 Washington Street )  
Bath, Maine 04530 )  
)  
Respondent )  
)  
)  
Proceeding under Section 16(a) of the )  
Toxic Substances Control Act, )  
15 U.S.C. § 2615(a). )

**Docket. No.**  
**TSCA-01-2020-0015**

**CONSENT AGREEMENT AND  
FINAL ORDER**



**CONSENT AGREEMENT**

**I. Introduction**

1. Complainant, the United States Environmental Protection Agency (“EPA”), Region 1, alleges that Respondent, Bath Iron Works Corporation (“BIW,” or the “Respondent”) has failed to comply with Section 15 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2614, and EPA’s regulations promulgated at 40 C.F.R. Part 761 pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e).

2. Complainant and Respondent agree to simultaneously commence and settle this action by the issuance of this Consent Agreement and Final Order (“CAFO”) as provided under 40 C.F.R § 22.13(b) of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits” (“Consolidated Rules of Practice”). Respondent consents to the terms and issuance of this CAFO without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

## **II. Statutory and Regulatory Authority**

3. Complainant takes this action under the authority of Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for alleged violations of Section 15 of TSCA, 15 U.S.C. § 2614, and 40 C.F.R. Part 761.

4. Section 15(1) of TSCA, 15 U.S.C. § 2614(1), makes it unlawful for any person to fail to comply with any rule promulgated under Section 6 of TSCA, 15 U.S.C. § 2605.

5. The Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (the “PCB Regulations”), 40 C.F.R. Part 761, were promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e).

6. The PCB Regulations establish “prohibitions of, and requirements for, the manufacture, processing, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB Items.” See 40 C.F.R. § 761.1(a).

7. Forty C.F.R. §§ 761.50 and 761.62 set forth the requirements for the disposal of PCB bulk product waste.

8. Forty C.F.R. § 761.207 sets forth the manifest requirements for PCB waste.

## **III. Factual Allegations**

9. Respondent is a corporation incorporated under the laws of the State of Maine, and is a subsidiary of General Dynamics Corporation, which is incorporated under the laws of the State of Delaware.

10. Respondent operates a shipbuilding facility located at 375 Bath Road in Brunswick, Maine (at all relevant times known as the “Harding Facility”).

11. At all times relevant to this CAFO, Respondent is a “person” as defined in 40 C.F.R. § 761.3 and is subject to certain prohibitions set forth in TSCA and the PCB Regulations.

12. In 2018, Respondent was undertaking a construction project at the Harding Facility that involved renovation of the existing building known as the Black Warehouse.

13. The Black Warehouse is a steel-framed structure with Galbestos siding and roofing that was constructed in 1940. Galbestos is corrugated galvanized sheet metal with a layer of asbestos felt dipped in an asphalt-based coating.

14. In a purchase order with a delivery date of July 9, 2018, Respondent arranged for a contractor (“Respondent’s contractor”) to remove Galbestos siding from the Black Warehouse and to dispose of all associated waste at the Waste Management Disposal Services of Maine, Inc. (“WMDSM”) landfill located at 357 Mercer Road in Norridgewock, Maine (the “WMDSM Crossroads Landfill”).

15. During the weeks of July 16 and July 23, 2018, Respondent’s contractor removed an approximate 100-foot section of Galbestos siding from the Black Warehouse.

16. Respondent’s contractor shipped the Galbestos siding waste from the Black Warehouse to the WMDSM Crossroads Landfill on July 27, 2018 (“Respondent’s Galbestos siding waste”) using Central Maine Disposal to transport the waste. The written documentation Respondent’s contractor used for this transaction consisted of a non-RCRA hazardous waste shipment record. Waste Shipment Record No. 18-7-3 prepared and signed by Respondent’s contractor for the Galbestos siding waste on July 26, 2018, identifies the waste as “Galbestos Siding” and “Non-Asbestos Insulation” with a total quantity of 27 cubic yards. Central Maine Disposal delivered the Galbestos siding waste to the WMDSM Crossroads Landfill on July 27, 2018, in one 30-cubic yard container. The scale ticket that was generated when Respondent’s Galbestos siding waste was delivered to the WMDSM Crossroads Landfill identified the weight of the waste as 4.81 tons.

17. The WMDSM Crossroads Landfill is authorized by the Maine Department of Environmental Protection (“MEDEP”) to accept special wastes for disposal but is not authorized to accept waste containing PCBs in concentrations greater than or equal to (“≥”) 50 mg/kg (i.e., parts per million (“ppm”)). See Solid Waste Order, Minor Revision in the Matter of Waste Management Disposal Services of Maine, Norridgewock, Somerset County, Maine, Waste Streams & Characterization, #S-010735-WD-00-M (Approval), dated December 2, 1997.

18. Central Maine Disposal delivered Respondent’s Galbestos siding waste to the WMDSM Crossroads Landfill under a generic profile on file with WMDSM for non-friable asbestos, under which multiple loads of waste could be delivered over time. By using the generic asbestos profile, Central Maine Disposal certified that Respondent’s Galbestos siding waste was non-friable asbestos that did not contain PCBs. Beyond the generic profile on file with WMDSM, the WMDSM Crossroads Landfill did not receive any information relating to the source or nature of Respondent’s Galbestos siding waste prior to receipt on July 27, 2018.

19. In continuing with the construction project and in anticipation of removing windows at the Black Warehouse, Respondent undertook sampling for the presence of PCBs in the window caulking and soil surrounding the building. Based upon sampling results with greater than expected PCB concentrations, Respondent contacted MEDEP to seek guidance as it continued testing and investigation.

20. Concerned that the siding might be a source of PCBs, on August 3, 2019, Respondent contacted WMDSM to inquire about the status of Respondent’s Galbestos siding waste and learned that it had been buried on July 27, 2018.

21. Respondent and Sevee & Maher Engineers, Inc. (“SME”) collected samples on August 6, 2018, from Galbestos siding located in the same vicinity on the Black Warehouse as

the Galbestos Siding waste shipped to the WMDSM Crossroads Landfill and tested the Galbestos siding samples for PCB concentrations, with the sample results containing approximately 14,000 – 16,000 ppm PCBs. The sampled Galbestos siding was the same type of Galbestos siding that Respondent shipped to the WMDSM Crossroads Landfill for disposal on July 27, 2018.

22. On August 10, 2018, Respondent formally notified MEDEP and WMDSM that Respondent's Galbestos siding waste delivered on July 27, 2018 contained PCBs in concentrations exceeding 50 ppm and was unauthorized waste. Additionally, Respondent notified the contractor that removed the Galbestos siding from the Black Warehouse and Central Maine Disposal.

23. In coordination with MEDEP, Respondent undertook additional sampling efforts and site preparation efforts, and it gathered other information for transmission to EPA.

24. On August 20, 2018, Respondent notified EPA directly and then continued to work with MEDEP and EPA to develop appropriate clean up and removal plans.

25. By cover letter dated October 2, 2018, SME submitted to EPA, on behalf of Respondent, a Self-Implementing Cleanup Plan for the first phase of PCB cleanup activities in the vicinity of the Black Warehouse at the Harding Facility. Information regarding the removal, disposal, and later sampling and testing of the Galbestos siding on the Black Warehouse was included in the Cleanup Plan. The Cleanup Plan stated that Respondent was working with MEDEP on a plan to address the final disposition of Respondent's Galbestos siding waste.

26. On a March 28, 2019, conference call discussing the removal plan, Respondent informed EPA that the Galbestos siding waste recovered at the WMSMD Crossroads Landfill

would be shipped for disposal to the Grassy Mountain landfill in Utah, a TSCA landfill authorized to accept PCB bulk product waste.

27. On April 16, 2019, the removal plan was submitted to MEDEP and EPA. The removal plan was approved by MEDEP on April 30, 2019 and by EPA on June 20, 2019.

28. By cover letter dated September 10, 2019, SME submitted to EPA, on behalf of Respondent, a Galbestos Removal Documentation Report for the removal of Respondent's Galbestos siding waste from the WMSMD Crossroads Landfill. From June 24, 2019 to July 9, 2019, SME oversaw the removal of Respondent's Galbestos siding waste at the WMSMD Crossroads Landfill, which was conducted pursuant to a Removal Work Plan that was approved by MEDEP and EPA.

29. Using Uniform Hazardous Waste Manifests with Manifest Tracking Numbers 012546987 FLE and 012546988 FLE ("Manifests"), Respondent shipped the Galbestos siding waste that had been received by the WMSMD Crossroads Landfill on July 27, 2018, to Clean Harbors of Braintree, Inc., at 1 Hill Avenue, Braintree, Massachusetts, for transfer off site with no treatment or disposal. The Galbestos Removal Documentation Report states that Respondent's representatives confirmed the Galbestos siding waste shipped using the Manifests was the waste from the Black Warehouse at Respondent's Harding Facility. The Manifests both identified the waste as "UN3432, Polychlorinated Biphenyls, Solid, 9, PGIII," with an estimated quantity of 8,391 kilograms, and waste codes M002 (Maine waste code for waste PCBs, including any chemical substance or combination of substances that contain 50 ppm or greater of PCBs) and MA02 (Massachusetts waste code for wastes which contain PCBs in concentrations equal to or greater than 50 ppm).

Failure to Notify Disposal Facility of PCB Bulk Product Waste and Prepare Hazardous Waste Manifest

30. Pursuant to 40 C.F.R. § 761.50(b), any person disposing of PCB bulk product waste must do so in accordance with 40 C.F.R. § 761.62.

31. Pursuant to 40 C.F.R. § 761.62(b)(4)(i), any person disposing off-site of PCB bulk product waste regulated under paragraph (b)(1) of 40 C.F.R. § 761.62, which includes, but is not limited to, Galbestos, at a waste management facility not having a commercial PCB storage or disposal approval must provide written notice to the facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream. The notice shall state that the PCB bulk product waste may include components containing PCBs at  $\geq 50$  ppm based on analysis of the waste in the shipment or application of general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and that the PCB bulk product waste is known or presumed to leach less than 10 micrograms per liter of PCBs.

32. Pursuant to 40 C.F.R. § 761.207(a), a generator who transports, or offers for transport, PCB waste for commercial off-site storage or disposal must prepare a hazardous waste manifest on EPA Form 8700-22. For each bulk load of PCBs, the generator shall specify on the manifest, among other things, the following information:

- a. the identity of the PCB waste;
- b. the earliest date of removal from service for disposal; and
- c. the weight in kilograms of the PCB waste. 40 C.F.R. § 761.207(a)(1).

33. Pursuant to 40 C.F.R. § 761.207(e), the requirements of 40 C.F.R. § 761.207 apply only to PCB wastes as defined in 40 C.F.R. § 761.3.

34. Pursuant to 40 C.F.R. § 761.3, PCB bulk product waste means waste derived from manufactured products containing PCBs in a non-liquid state, at any concentration where the

concentration at the time of designation for disposal was  $\geq 50$  ppm PCBs. The definition of PCB bulk product waste includes, but is not limited to, Galbestos. 40 C.F.R. § 761.3.

35. Pursuant to 40 C.F.R. § 761.3, PCB waste(s) means those PCBs and PCB Items that are subject to the disposal requirements of subpart D of Part 761.

36. At all times relevant to this CAFO, Respondent was a “generator of PCB waste,” as defined in 40 C.F.R. § 761.3.

37. At all times relevant to this CAFO, the Galbestos siding waste that Respondent arranged with its contractor to have transported off-site by Central Maine Disposal for disposal at the WMSMD Crossroads Landfill was “PCB bulk product waste” and “PCB waste,” as defined in 40 C.F.R. § 761.3.

38. As described in Paragraphs 16, 17, and 18, above, Respondent disposed of PCB bulk product waste at the WMSMD Crossroads Landfill, which does not have PCB storage or disposal approval, without providing notice to WMSMD a minimum of 15 days in advance of the first shipment from the same disposal waste stream that the PCB bulk product waste may include components containing PCBs at concentrations  $\geq 50$  ppm.

39. As described in Paragraphs 16 and 18, above, Respondent “transport[ed], or offer[ed] for transport” PCB waste by allowing its contractor to have Central Maine Disposal pick up the Galbestos siding waste from the Harding Facility on July 26, 2018, and transport it off site.

40. As described in Paragraphs 16 and 18, above, Respondent offered PCB waste to the WMSMD Crossroads Landfill for commercial off-site “disposal,” as defined in 40 C.F.R. § 761.3.

41. Accordingly, pursuant to 40 C.F.R. § 761.207(a), Respondent was required to properly prepare a hazardous waste manifest for the PCB waste it offered for transport from the Harding Facility on July 26, 2018.

42. The waste shipment record that Respondent used for its contractor and Central Maine Disposal to transport the Galbestos siding waste from the Harding Facility on July 26, 2018 (i.e., Waste Shipment Record No. 18-7-3) was not a proper hazardous waste manifest because it did not:

- a. comply with the required manifest form (e.g., EPA Form 8700-22);
- b. identify the Galbestos siding waste as PCB waste;
- c. list the weight of the Galbestos siding waste in kilograms; and
- d. include the earliest date of removal from service for disposal.

43. Accordingly, Respondent's failure to provide notice to WMSMD a minimum of 15 days in advance of the first shipment of Respondent's Galbestos siding waste from the Harding Facility to the WMSMD Crossroads Landfill that the PCB bulk product waste may include components containing PCBs at concentrations  $\geq$  50 ppm, as described in the preceding Paragraph 38, above, and Respondent's failure to comply with the PCB manifesting requirements for Waste Shipment Record No. 18-7-3, as described in the preceding Paragraph 42, above, violated Section 15 of TSCA, 15 U.S.C. § 2614, and 40 C.F.R. §§ 761.62(b)(4)(i) and 761.207(a), respectively.

#### **IV. Terms of Consent Agreement**

44. The provisions of this CAFO shall apply to and be binding on Respondent, its officers, directors, successors and assigns.

45. For the purposes of this CAFO, Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the CAFO and also waives any defenses it may have as to jurisdiction and venue.

46. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in this CAFO.

47. Respondent also hereby waives its right to appeal the Final Order accompanying this Consent Agreement.

48. Without admitting or denying the specific factual allegations in this CAFO, Respondent hereby consents to the terms and the issuance of this CAFO, and consents for the purposes of settlement to the payment of the civil penalty as set forth in this CAFO.

49. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), together with the Civil Monetary Penalty Inflation Rule (40 C.F.R. Part 19) and 84 Fed. Reg. 2056 (Feb. 6, 2019), authorizes the assessment of a civil administrative penalty of up to \$39,873 per day for each violation. EPA has compromised the maximum civil penalty of \$39,873 per day per violation authorized in this matter, applying the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), and the 1990 Polychlorinated Biphenyls (PCB) Penalty Policy (April 9, 1990) (“PCB Penalty Policy”), issued by EPA. In light of the particular facts and circumstances of this matter, with specific reference to the statutory factors of Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and considering the nature, circumstances, extent, and gravity of the violations, the Respondent’s cooperative attitude, and such other matters as justice requires, EPA has determined that it is fair and proper to assess a civil penalty for violations alleged in this Agreement in the total amount of **\$22,479**. Respondent agrees to pay the civil penalty of **\$22,479**.

Penalty Payment

50. Respondent shall pay the total penalty amount of **\$22,479** in the manner described below:

- a. The payment shall be made in a single payment of **\$22,479** due within **30**

calendar days of the Effective Date of this CAFO. This CAFO shall become effective on the day it is filed with the Regional Hearing Clerk. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day.

- b. The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall reference “*In the Matter of: Bath Iron Works Corporation Consent Agreement and Final Order, EPA Region 1,*” Respondent’s name and address, and the EPA Docket Number of this action (“TSCA-01-2020-0015”), and shall be payable to “Treasurer, United States of America.” The payment shall be remitted as follows:

**If remitted by regular U.S. mail:**

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

**If remitted by any overnight commercial carrier:**

U.S. Bank  
Government Lockbox 979077  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

**If remitted by wire transfer:** any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York

ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street

New York, NY 10045  
Field Tag 4200 of the Fedwire message should read "D68010727  
Environmental Protection Agency"

**If remitted on-line with a debit card, credit card, or bank account transfer:**

No user name, password, or account number is necessary for this option. On-line payment can be accessed via [WWW.PAY.GOV](http://WWW.PAY.GOV), entering 1.1 in the form search box on the left side of the screen to access the EPA's Miscellaneous Payment Form, opening the form, following the directions on the screen and, after selecting "submit data," entering the relevant debit card, credit card, or bank account information.

51. At the time of payment, a copy of the check (or notification of any other type of payment) shall also be sent to:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (ORC 04-6)  
Boston, MA 02109-3912

and

Kevin P. Pechulis  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (ORC 04-3)  
Boston, MA 02109-3912

52. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States as well as a charge to cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on the civil penalty if it is not paid within 30 calendar days of the effective date of this CAFO. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees in accordance with 31 C.F.R. § 901.9(c). In

addition, a penalty charge of six percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due in accordance with 31 C.F.R. § 901.9(d). Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day that payment is due.

53. Respondent certifies that it has corrected the alleged violations cited in this CAFO and that it is now operating in compliance with the requirements of TSCA and 40 C.F.R. Part 761.

54. All penalties, interest, and other charges imposed in this CAFO shall represent civil penalties assessed by EPA and shall not be deductible for federal tax purposes.

55. Compliance with this CAFO, including payment of any penalties, interest, or other charges, shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and does not waive, suspend, or modify the responsibility of Respondent to comply with such laws and regulations.

56. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties pursuant to Section 16 of TSCA for the specific violations alleged in this CAFO. Nothing in this CAFO shall prevent EPA from taking any necessary action to address conditions at Respondent's Harding Facility which may present an imminent and substantial endangerment to public health or the environment nor shall this CAFO be construed to, nor is it intended to operate in any way to resolve any criminal liability or any other civil liability of Respondent.

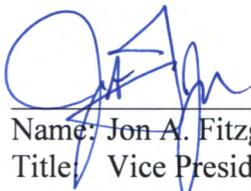
57. Except as described in paragraph 52, above, each party shall bear its own costs and fees in this proceeding, and specifically waives any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

58. Each undersigned representative of a party to this CAFO certifies that she or he is

fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to it.

THE UNDERSIGNED enter into this CAFO on behalf of her/his respective party for: In The Matter of Bath Iron Works Corporation, Docket No. TSCA-01-2020-0015

For Bath Iron Works Corporation:



\_\_\_\_\_  
Name: Jon A. Fitzgerald  
Title: Vice President & General Counsel  
Company: Bath Iron Works Corporation

12/23/19

\_\_\_\_\_  
Date: December 23, 2019

THE UNDERSIGNED enter into this CAFO on behalf of her/his respective party for: In The Matter of Bath Iron Works Corporation, Docket No. TSCA-01-2020-0015

For U.S. EPA, Region 1:



Karen McGuire, Director  
Enforcement and Compliance Assurance Division

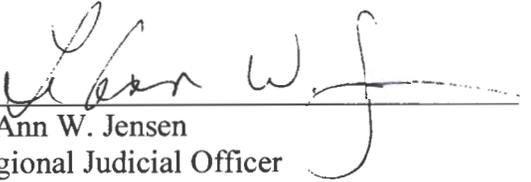
1-8-20

Date

**FINAL ORDER**

Pursuant to 40 C.F.R. § 22.18(b)(3) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent, as specified in the Consent Agreement, is hereby ordered to comply with the terms of the Consent Agreement, effective on the date on which it is filed with the Regional Hearing Clerk.

SO ORDERED THIS 9<sup>th</sup> DAY OF January 2020

  
\_\_\_\_\_  
LeAnn W. Jensen  
Regional Judicial Officer  
U.S. EPA, Region 1

**CERTIFICATE OF SERVICE**

I certify that the foregoing Consent Agreement and Final Order, in the Matter of Bath Iron Works Corporation, Docket No. TSCA 01-2020-0015, have been provided to the following persons on the date noted below:

Originals and one copy of each,  
hand-delivered to:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square  
Suite 100, ORC 04-6  
Boston, MA 02109-3912

One copy of each, by First Class Mail,  
Return Receipt Requested, to each  
of the following recipients:

Jon A. Fitzgerald, Vice President & General  
Counsel  
Bath Iron Works Corporation  
700 Washington Road  
Bath, ME 04530

and

Laura M. O'Hanlon, Esq.  
Assistant General Counsel  
Bath Iron Works Corporation  
700 Washington Road  
Bath, ME 04530

Dated: \_\_\_\_\_

1/10/2020



Kevin P. Pechulis  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square  
Suite 100, Mail Code ORC04-3  
Boston, MA 02109-3912  
e-mail: [pechulis.kevin@epa.gov](mailto:pechulis.kevin@epa.gov)