

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Laura Berry 6/12/15  
Name of Case Attorney Date

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

Case Docket Number EPCRA-01-2015-0022

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:

Specialty Minerals, Inc. and Minteg  
International Inc.  
30 Daisy Hill Rd and 77 Daisy Hill Rd  
North Canaan, CT 06018

Total Dollar Amount of Receivable \$ 76,500 Due Date: 7/12/15

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 \_\_\_\_\_

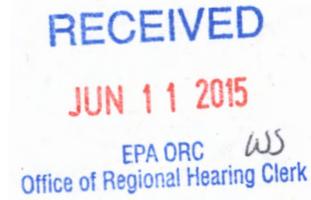


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 Post Office Square, Suite 100  
BOSTON, MA 02109-3912

June 11, 2015

BY HAND

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



Re: *In the matter of Specialty Minerals Inc. and Minteq  
International Inc., Docket No. EPCRA-01-2015-0022*

Dear Ms. Santiago:

Enclosed for filing are the following original documents, and one copy of each, relating to the above-referenced matter:

1. Consent Agreement and Final Order; and
2. Certificate of Service.

Kindly file the documents in the usual manner. Thanks very much for your help.

Very truly yours,

A handwritten signature in blue ink that reads "Laura J. Berry".

Laura J. Berry  
Enforcement Counsel

Enclosures

cc: Katherine L. Simmons (Respondents' counsel)  
Thomas Meek (Respondents' counsel)  
Earl W. Phillips, Jr. (Respondents' counsel)  
Chris Rascher, OES, EPA Region 1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
 )  
**SPECIALTY MINERALS INC. AND** )  
**MINTEQ INTERNATIONAL INC.** )  
 )  
30 Daisy Hill Rd. and 77 Daisy Hill Rd )  
North Canaan, CT 06018 )  
 )  
Respondents )  
 )  
Proceeding under Section 325(c) of the )  
Emergency Planning and Community )  
Right-to-Know Act, 42 U.S.C. § 11045(c) )  
\_\_\_\_\_ )

Docket No: EPCRA-01-2015-0022

**CONSENT AGREEMENT  
AND FINAL ORDER**

Complainant, the United States Environmental Protection Agency, Region 1 (“EPA”), alleges that Specialty Minerals Inc. (“Specialty Minerals”) and Minteq International Inc. (“Minteq”) (each a “Respondent” and, collectively, “Respondents”), have violated Section 313 of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. § 11023 (also known as the Emergency Planning and Community Right-to-Know Act or “EPCRA”), and the federal regulations promulgated thereunder.

EPA and Respondents agree that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter. Pursuant to 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,” 40 C.F.R. Part 22, EPA and Respondents agree to simultaneously commence and settle this action by the issuance of this CAFO.

**RECEIVED**  
**JUN 11 2015**  
EPA ORC *WS*  
Office of Regional Hearing Clerk

Therefore, before any hearing, without adjudication of any issue of fact or law, upon the record, and upon consent and agreement of EPA and Respondents, it is hereby ordered and adjudged as follows:

**I. STATUTORY AND REGULATORY AUTHORITY**

1. Pursuant to Sections 313 and 328 of EPCRA, 42 U.S.C. §§ 11023 and 11048, EPA promulgated the Toxic Chemical Release Reporting: Community Right-to-Know Rule, 40 C.F.R. Part 372.

2. Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), requires owners or operators of a facility subject to the requirements of Section 313(b) to submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form, EPA Form 9350-1 (hereinafter, "Form R"), for each toxic chemical listed under 40 C.F.R. § 372.65 that was manufactured, processed, or otherwise used during the preceding calendar year in quantities exceeding the toxic chemical thresholds established under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25. If the owner or operator determines that the alternative reporting threshold specified in 40 C.F.R. § 372.27 applies, the owner or operator may submit an alternative threshold certification statement that contains the information required under 40 C.F.R. § 372.95 (the alternative threshold certification statement is also known as "Form A"). Each Form R or Form A is required to be submitted to the Administrator of EPA and to the state in which the subject facility is located. Forms R and Forms A are hereinafter referred to as "TRI Forms."

3. Section 313(b) of EPCRA, 42 U.S.C. § 11023(b), and 40 C.F.R. § 372.22 provide that owners or operators of facilities that have 10 or more full-time employees; that are in a Standard Industrial Classification ("SIC") code or North American Industry Classification System ("NAICS") code set forth in 40 C.F.R. § 372.23; and that manufactured, processed, or otherwise used a toxic chemical listed under 40 C.F.R. § 372.65 in a quantity exceeding the

established threshold during a calendar year are required to submit a Form R or Form A for each of these substances for that year.

4. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c) (as amended by the Federal Civil Penalties Inflation Adjustment Act, 28 U.S.C. § 2461, and the Debt Collection Improvement Act, 31 U.S.C. § 3701), and EPA's Civil Monetary Penalty Inflation Adjustment Rule, promulgated thereunder at 40 C.F.R. Part 19, authorize the assessment of civil administrative penalties of up to \$37,500 per day for each violation of Section 313 of EPCRA that occurred after January 12, 2009.

## II. GENERAL ALLEGATIONS

5. Specialty Minerals and Minteq are each corporations organized under the laws of the State of Delaware with a usual place of business at 30 Daisy Hill Rd. and 77 Daisy Hill Rd. in North Canaan, CT 06018.

6. Respondents operate a dolomitic lime processing, calcium metal manufacturing, and cored wire manufacturing facility located at 30 Daisy Hill Rd. and 77 Daisy Hill Rd. in North Canaan, CT (the "Facility").

7. Specialty Minerals owns the Facility.

8. On June 18, 2014, a duly authorized representative of EPA conducted a compliance evaluation inspection of the facility (the "EPA inspection") to determine its compliance with EPCRA reporting requirements.

9. As corporations, each Respondent is a "person" within the meaning of Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

10. Each Respondent is an owner or operator of a "facility," as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3.

11. The Facility has more than 10 “full-time employees,” as that term is defined by 40 C.F.R. § 372.3.

12. The Facility is classified in a SIC code or NAICS code set forth in 40 C.F.R. § 372.23.

13. During the calendar years 2011 and 2012, Respondents processed antimony and manganese, toxic chemicals listed under 40 C.F.R. § 372.65, in quantities exceeding the established threshold of 25,000 pounds set forth at 40 C.F.R. § 372.25.

14. During the calendar years 2011 and 2012, Respondents otherwise used propylene, a toxic chemical listed under 40 C.F.R. § 372.65, in quantities exceeding the established threshold of 10,000 pounds set forth at 40 C.F.R. § 372.25.

15. During the calendar years 2011 and 2012, Respondents processed lead compounds, a toxic chemical category listed under 40 C.F.R. § 372.65, in quantities exceeding the established threshold of 100 pounds set forth at 40 C.F.R. § 372.28.

16. The requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, therefore apply to Respondents’ Facility.

### **III. VIOLATIONS**

#### **Count 1: Failure to Timely File TRI Form for Antimony for Reporting Year 2011**

17. The foregoing paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.

18. During the calendar year 2011, Respondents processed antimony, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondents were therefore required to submit to the Administrator of EPA a TRI Form for this chemical on or before July 1, 2012.

19. Respondents failed to submit this form to the Administrator of EPA on or before July 1, 2012.

20. Respondents' failure to timely submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count 2: Failure to Timely File TRI Form for Propylene for Reporting Year 2011

21. The foregoing paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.

22. During the calendar year 2011, Respondents otherwise used propylene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondents were therefore required to submit to the Administrator of EPA a TRI Form for this chemical on or before July 1, 2012.

23. Respondents failed to submit this form to the Administrator of EPA on or before July 1, 2012.

24. Respondents' failure to timely submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count 3: Failure to Timely File TRI Form for Antimony for Reporting Year 2012

25. The foregoing paragraphs 1 through 24 are incorporated by reference as if fully set forth herein.

26. During the calendar year 2012, Respondents processed antimony, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondents were therefore required to submit to the Administrator of EPA a TRI for this chemical on or before July 1, 2013.

27. Respondents failed to submit this form to the Administrator of EPA on or before July 1, 2013.

28. Respondents' failure to timely submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count 4: Failure to Timely File TRI Form for Propylene for Reporting Year 2012

29. The foregoing paragraphs 1 through 28 are incorporated by reference as if fully set forth herein.

30. During the calendar year 2012, Respondents otherwise used propylene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondents were therefore required to submit to the Administrator of EPA a TRI Form for this chemical on or before July 1, 2013.

31. Respondents failed to submit this form to the Administrator of EPA on or before July 1, 2013.

32. Respondents' failure to timely submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count 5: Failure to Timely File TRI Form for Lead Compounds for Reporting Year 2012

33. The foregoing paragraphs 1 through 32 are incorporated by reference as if fully set forth herein.

34. During the calendar year 2012, Respondents processed lead compounds, a chemical category listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondents were therefore required to submit to the Administrator of EPA a TRI Form for this chemical on or before July 1, 2013.

35. Respondents failed to submit this form to the Administrator of EPA on or before July 1, 2013.

36. Respondents' failure to timely submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

**Count 6: Failure to Timely File TRI Form for Manganese for Reporting Year 2012**

37. The foregoing paragraphs 1 through 36 are incorporated by reference as if fully set forth herein.

38. During the calendar year 2012, Respondents processed manganese, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondents were therefore required to submit to the Administrator of EPA a TRI Form for this chemical on or before July 1, 2013.

39. Respondents failed to submit this form to the Administrator of EPA on or before July 1, 2013.

40. Respondents' failure to timely submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

**IV. TERMS OF SETTLEMENT**

41. Respondents certify that they have corrected the alleged violations cited in this CAFO and will operate the facility in compliance with Section 313 of EPCRA, 42 U.S.C. § 11023, and the regulations promulgated thereunder found at 40 C.F.R. Part 372.

42. Respondents stipulate that EPA has jurisdiction over the subject matter alleged in this CAFO and that this CAFO states a claim upon which relief may be granted against Respondents. Respondents hereby waive any defenses they might have as to jurisdiction and venue.

43. Respondents hereby waive their right to a judicial or administrative hearing on any issue of law or fact set forth in this CAFO and waive their right to appeal the Final Order.

44. Without admitting or denying the facts and violations alleged in this CAFO, Respondents consent to the terms and issuance of this CAFO and agree to the payment of the civil penalty set forth herein.

### Civil Penalty

45. Pursuant to the relevant factors for penalties issued pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), and taking into account any such matters as justice may require, and in light of the Supplemental Environmental Project (“SEP”) Respondents have agreed to complete as described below, Complainant has determined that it is fair and proper that Respondents pay a total civil penalty in the amount of seventy-six thousand five hundred dollars (\$76,500) to resolve the violations alleged in this matter.

46. Within thirty (30) days of the effective date of this CAFO, Respondents shall submit a company, bank, cashier’s, or certified check in the amount of \$76,500, payable to the order of the “Treasurer, United States of America.” The check should be sent to:

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

Or, Respondents may make payment by electronic funds transfer via:

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:  
“D 68010727 Environmental Protection Agency”

Respondents shall include the case name and docket number (“*In re Specialty Minerals Inc. & Minteq International Inc.*, Docket No. EPCRA-01-2015-0022”) on the face of the check or wire transfer confirmation. In addition, at the time of payment, Respondents shall simultaneously send notice of the payment and a copy of the check or electronic wire transfer confirmation to:

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

and

Laura J. Berry  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES 04-2  
Boston, MA 02109-3912

47. If Respondents fail to make the payment required by paragraph 46 by the required due date, the total penalty amount of \$76,500, plus all accrued interest shall become due immediately to the United States upon such failure. Interest shall continue to accrue on any unpaid amounts until the total amount due has been received by the United States. Respondents shall be liable for such amount regardless of whether EPA has notified Respondents of their failure to pay or made a demand for payment. All payments to the United States under this paragraph shall be made by company, bank, cashier's, or certified check or electronic funds transfer as described in paragraph 46. Interest and late charges shall be paid as stated in paragraph 59.

**Supplemental Environmental Project ("SEP")**

48. Respondents shall complete the Supplemental Environmental Project ("SEP" or "Project") as described in Attachment 1, which the parties agree is intended to secure significant environmental and public health protection and benefits. Respondents have selected the Canaan Fire Company ("CFC") and the Torrington Fire Department ("TFD") as the "SEP Recipients." The SEP requires purchasing equipment for SEP Recipients that will enhance their ability to respond to and prepare for emergencies involving hazardous chemicals.

49. Respondents shall satisfactorily complete the SEP according to the requirements and schedule set forth in Attachment 1, which is incorporated herein by reference and is enforceable by this CAFO. The SEP is projected to cost approximately \$28,700. As described in this CAFO, "satisfactory completion" means (a) purchasing the required equipment within six months of the effective date of this CAFO; (b) ensuring that the equipment is in working order according to manufacturer instructions at the time of its delivery to the SEP Recipients; (c) purchasing and providing the required training materials and/or classes for the SEP Recipients within six months of the effective date of this CAFO; and (d) spending approximately \$28,700 to purchase and provide the equipment and training.

50. **SEP Completion Report.** Respondents shall submit a SEP Completion Report within 30 days of completion of the SEP. The SEP Completion Report shall contain the following information: (i) a detailed description of the SEP as implemented and benefits associated with the SEP; (ii) evidence of SEP completion (which may include but is not limited to photos, vendor invoices or receipts, and/or correspondence from SEP Recipients); (iii) a list of itemized costs for implementing the SEP; and (iii) certification by a corporate official of each Respondent that the SEP has been fully implemented pursuant to the provisions of this CAFO and in accordance with Attachment 1.

51. Respondents agree that failure to submit the report required by paragraph 50 shall be deemed a violation of this CAFO, and Respondents shall become liable for stipulated penalties pursuant to paragraph 55 below.

52. Respondents shall submit all notices, submissions, and reports required by this CAFO to Laura J. Berry by email at [Berry.LauraJ@epa.gov](mailto:Berry.LauraJ@epa.gov), to Chris Rascher by email at [Rascher.Chris@epa.gov](mailto:Rascher.Chris@epa.gov), and by First Class mail or any other commercial delivery service to EPA at the addresses set forth below:

Laura J. Berry, Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES 04-2  
Boston, MA 02109-3912

and

Chris Rascher, Environmental Engineer  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES 05-1  
Boston, MA 02109-3912

The submission will be deemed to be made upon tendering the delivery to a commercial delivery service for overnight delivery or upon the date of the postmark in the event of use by First Class mail.

53. After receipt of the SEP Completion Report described in paragraph 50 above, EPA will notify Respondents in writing:

- a. That EPA concludes that the SEP has been completed satisfactorily;
- b. That EPA has determined that the project has not been completed satisfactorily and is specifying a reasonable schedule for correction of the SEP or the SEP Completion Report; or
- c. That EPA has determined that the SEP does not comply with the terms of this CAFO and is seeking stipulated penalties in accordance with paragraph 55 herein.

54. If EPA notifies Respondents pursuant to paragraph 53.b above that the SEP itself or the SEP Completion Report does not comply with the requirements of this CAFO, Respondents shall make corrections to the SEP and/or modify the SEP Completion Report in accordance with the schedule specified by EPA. If EPA notifies Respondents that the SEP itself does not comply with the requirements of this CAFO, Respondents shall pay stipulated penalties in accordance with paragraph 55 herein.

55. Stipulated Penalties.

a. In the event that Respondents fail to comply with any of the terms or provisions of this CAFO relating to performance of the SEP, Respondents shall be liable for stipulated penalties according to the provisions set forth below:

i. For failure to submit the SEP Completion Report, Respondents shall pay a stipulated penalty in the amount of \$200 for each day that Respondents are late; and

ii. For a SEP or any portion thereof that has not been completed satisfactorily pursuant to this CAFO, Respondents shall pay a stipulated penalty of the dollar value of the portion of the SEP not satisfactorily completed times 1.25 plus interest from the effective date of the CAFO. The definition of "satisfactory completion" is set out in paragraph 49. However, if Respondents spend less than \$28,700 but otherwise satisfactorily complete the SEP, Respondents shall only be required to pay a stipulated penalty in the amount equal to the difference between \$28,700 and the actual amount spent on the Project.

b. The determinations of whether the SEP has been satisfactorily completed and whether the Respondents have made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

c. Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

d. Respondents shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of paragraph 46. Interest and late charges shall be paid as stated in paragraph 59.

e. Payment of stipulated penalties shall be in addition to any other relief available under federal law.

f. EPA may, in its sole discretion, decide not to seek stipulated penalties or to waive any portion of the stipulated penalties that accrue pursuant to this CAFO.

56. With regard to the SEP described herein and in Attachment 1, Respondents certify the truth and accuracy of each of the following:

a. That all cost information provided to EPA in connection with EPA's approval of the SEP is complete and accurate and that Respondents in good faith estimate that the cost to implement the SEP is \$28,700;

b. That, as of the date of executing this CAFO, Respondents are not required to perform or develop the SEP by any federal, state, or local law or regulation, nor are Respondents required to perform the SEP by agreement, grant, or as injunctive relief awarded in this or any other action in any forum;

c. That the SEP is not a project that Defendant was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this CAFO;

d. That Respondents have not received and will not receive credit for the SEP in any other enforcement action;

e. That Respondents will not receive reimbursement for any portion of the SEP from another person or entity;

f. That for federal income tax purposes, Respondents agree that they will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP;

g. That Respondents are not parties to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP; and

h. That Respondents have inquired of the SEP Recipients whether either is a party to an open federal financial assistance transaction that is funding or could fund the same

activity as the SEP and have been informed by the SEP Recipients that neither is a party to such a transaction.

57. For the purposes of the certifications in paragraphs 56.g and 56.h, the term “open federal financial assistance transaction” refers to a grant, cooperative agreement, federal loan, federally-guaranteed loan, or other mechanism for providing federal financial assistance whose performance period has not yet expired.

58. Respondents agree that any public statement, oral or written, in print, film, or other media, made by Respondents making reference to the SEP under this CAFO from the date of Respondents’ execution of this CAFO shall include the following language: “This project was undertaken in connection with the settlement of an enforcement action, *In the matter of Specialty Minerals Inc. and Minteq International Inc.*, taken by the U.S. Environmental Protection Agency to enforce federal laws.”

59. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that any portion of the civil penalty amount due under paragraph 45 above or any stipulated penalty relating to the performance of the SEP pursuant to paragraph 55 above is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the payment was due to the date of payment. In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d). In any such

collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

60. All civil and stipulated penalties, interest, nonpayment penalties, and other charges described herein shall represent penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local taxes. Accordingly, Respondents agree to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agree not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

61. The provisions of this CAFO shall be binding upon Respondents and Respondents' officers, directors, agents, servants, employees, and successors or assigns.

62. Respondents shall bear their own costs and attorneys' fees in this proceeding and specifically waive any right to recover such costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

63. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 325(c) of EPCRA for the violations specifically alleged in this CAFO. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondents to comply with such laws and regulations. This CAFO in no way relieves Respondents or its employees of any criminal liability. Nothing in this CAFO shall be construed to limit the authority of the United States to undertake any action against Respondents in response to conditions which may present an imminent and substantial endangerment to the public.

64. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions if Respondents are in

violation of this CAFO or continue to be in violation of the statutes and regulations upon which the allegations in this CAFO are based, or for Respondents' violation of any other applicable provision of federal, state, or local law.

65. Respondents' obligations under the CAFO shall end when they have paid in full the scheduled civil penalty, performed the SEP(s), paid any stipulated penalties, and submitted the documentation required by this CAFO.

66. Each of the undersigned representatives of the parties certifies that he or she is fully authorized by the party responsible to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

67. The terms, conditions, and requirements of this CAFO may not be modified or amended except upon the written agreement of all parties, and approval of a Regional Judicial Officer.

68. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed with the Regional Hearing Clerk.

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY:



Joanna Jerison, Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1

Date: 6/9/15

FOR RESPONDENT SPECIALTY MINERALS INC.:



Douglas T. Dietrich  
Vice President, Chief Financial Officer, and Director  
Specialty Minerals, Inc.

Date: 5/29/15

FOR RESPONDENT MINTEQ INTERNATIONAL INC.:



Date: 06/02/2015

Johannes C. Schut  
President  
Minteq International Inc.

## **Attachment 1 – Supplemental Environmental Project**

**Specialty Minerals Inc. and Minteq International Inc., Docket No. EPCRA-01-2015-0022**

Specialty Minerals Inc. and Minteq International Inc. shall perform this Supplemental Environmental Project as a component of its settlement with EPA.

### ***BACKGROUND***

Specialty Minerals Inc. and Minteq International Inc. (“Respondents”) operate a dolomitic lime processing, calcium metal manufacturing, and cored wire manufacturing facility located at 30 Daisy Hill Rd. and 77 Daisy Hill Rd. in North Canaan, CT (the “Facility”). North Canaan is a small town located in an industrial community in northwestern Connecticut with a population of approximately 3,300.

The Canaan Fire Company (“CFC”) is a volunteer fire department that responds to fire and hazardous materials incidents in the community. The town finances approximately 55% of CFC’s budget, and the remainder comes from fundraising events. Accordingly, CFC has a very tight budget for emergency response equipment and associated training. If CFC does not have the equipment required to respond to a particular incident, they must wait over 40 minutes for the closest regional hazardous materials response team, the City of Torrington Fire Department (“TFD”) to arrive and assist. Given the large size of Respondents’ facility in Canaan and the number and quantity of hazardous materials on site, CFC has a need for additional hazardous materials response equipment and training. This need was made clear to CFC after it responded to a large propane leak at Respondent’s facility a few years ago and a chemical gas cloud at a local farm in 2014. TFD, which supports CFC, also requires additional emergency response equipment and training in order to be prepared to respond to hazardous materials incidents in the community.

### ***SCOPE OF WORK***

The SEP will provide CFC and TFD (the “SEP Recipients”) with emergency response equipment, as described below. Respondents shall purchase and provide to CFC or TFD, as specified below, the following equipment and training materials and/or classes within six months of the effective date of the CAFO. Respondents shall confirm that the equipment is in good working order according to manufacturer instructions at the time of its delivery to the appropriate SEP Recipient and purchase training materials and/or classes for the appropriate SEP Recipient as specified below.

Item Number	Quantity and description of equipment	Estimated Cost	SEP Recipient
1	Two (2) GasAlertMicro 5 PID Portable Combustible Gas Meters with warranty	\$4,200	CFC
2	One (1) MSA 5800 Thermal Imaging Camera with digital temperature read out, truck charger, and spare battery	\$7,100	CFC
3	One (1) GasAlertMicroClip XT gas portable meter with warranty	\$650	CFC
4	One (1) Leak Control Kit #AE-NS: Non-Sparking	\$850	CFC
5	Meter usage and propane response training (comprehensive training for CFC personnel on the use of four-gas meters currently owned by CFC and PID meters that will be purchased by Respondents as a part of this SEP, i.e., Items 1 and 3 described above)	\$5,500	CFC
6	One (1) Microdock II Dock Calibration System	\$3,500	CFC
7	Twenty (20) 5-gallon buckets of Silvex Class A Foam (multiple expansion Class A foam concentrate)	\$1,800	CFC
8	Five (5) sets containing one box each of fluoride, potassium iodide, and pH test papers	\$250	TFD
9	One (1) MRAD-TRN Ultraradiac-Plus Training CD	\$556	TFD
10	Six (6) Boom Kits, each containing four 8-inch by 10-foot safety yellow All HazMat Sorbent booms	\$900	TFD
11	Eight (8) TyChem BR Level B Fully Encapsulating Suits	\$2,464	TFD
12	Eight (8) pairs of HazProof Boots (Size 13)	\$880	TFD
13	Eight (8) pairs of Showa-Best Heavy-Weight Neoprene Gloves	\$76	TFD

The equipment described above will prepare local emergency personnel to respond to accidental releases of hazardous chemicals in the community, which will reduce risks to public health and the environment. The equipment to be purchased is relevant to emergency responses involving chemicals that are regulated pursuant to EPCRA. It includes: portable gas meters and associated equipment that allow for field readings of air issues in the event of hazardous materials incidents

and will greatly enhance the SEP Recipients' hazardous materials response capabilities and the safety of emergency response personnel and the public during such an incident by providing real time data on releases; a thermal imaging camera that can help emergency responders to determine levels of hazardous materials in containers and other vessels, identify hazardous material release points, and monitor hazardous materials release incidents in low visibility situations; leak control kits, firefighting foam, test papers, and sorbent booms that can be used by emergency responders to better identify, minimize the consequences of, and stop hazardous materials releases; and specialized equipment worn by emergency response teams that will allow those responders who encounter hazardous chemicals to take protection against typical first response exposures to hazardous materials.

The training materials and classes described above include comprehensive training for CFC personnel on the use of portable gas meters to be provided as part of the equipment purchased in this SEP, as well as an interactive CD-based training course that provides new user and refresher step-by-step instruction in the proper use and set up of personal radiation monitors already owned by TFD. The training materials and classes will ensure that the SEP Recipients are adequately trained in order to fully utilize emergency response equipment in the event of a hazardous materials incident.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

_____ )	
IN THE MATTER OF )	
)	
<b>SPECIALTY MINERALS INC. AND )</b>	Docket No: EPCRA-01-2015-0022
<b>MINTEQ INTERNATIONAL INC. )</b>	
)	
30 Daisy Hill Rd. and 77 Daisy Hill Rd )	
North Canaan, CT 06018 )	
)	
Respondents )	
)	
Proceeding under Section 325(c) of the )	
Emergency Planning and Community )	
Right-to-Know Act, 42 U.S.C. § 11045(c) )	
_____ )	

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and one copy,  
hand-delivered:

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

Copy, by Certified Mail,  
Return Receipt Requested:

Thomas Meek (Counsel for Respondents)  
General Counsel  
Minerals Technologies Inc.  
622 Third Ave., 38th floor  
New York, NY 10017

Dated: June 11, 2015

*Laura J. Berry*  
Laura J. Berry  
U.S. Environmental Protection Agency, Region 1  
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