



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

FILED

2008 AUG -1 AM 9:08

U.S. EPA REGION IX
REGIONAL HEARING CLERK

DOCKET NO: CAA-09-2008- 00 3 0
This ESA is issued to: General Chemical Corporation
501 Nichols Road, Pittsburg, CA 95965

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: General Chemical Bay Point Works, 501 Nichols Road, Pittsburg, CA 95965

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency (EPA), Region IX, by its duly delegated official, Keith Takata, Superfund Director, and by General Chemical Corporation (Respondent) pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). On November 13, 2007, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

- I. Respondent was required to properly identify worst case scenario as required by Section 112(r)(7) of the CAA and 40 C.F.R. §§68.25(c) and 68.165(b). Respondent failed to comply with 40 C.F.R. §§68.25(c) and 68.165(b), in violation of Section 112(r)(7) of the Act.
- II. Respondent was required to identify all regulated substances for the covered processes and submit alternate release scenarios for all regulated substances, as required by 40 C.F.R. 68.10(a), 68.28(a), 68.115, 68.130, 68.165(a)(2) and 68.175; and CAA Section 112(r)(7). Respondent failed to comply with 40 C.F.R. 68.10(a), 68.28(a), 68.115, 68.130, 68.165(a)(2) and 68.175, in violation of Section 112(r)(7) of the Act.
- III. Respondent was required to review and update RMP by the five year anniversary date and submit it to EPA, as required by Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.150(c), 68.190(a) and 68.195. Respondent failed to comply with 40 C.F.R. §§ 68.150(c), 68.190(a) and 68.195, in violation of Section 112(r)(7) of the Act.
- IV. Respondent was required to update emergency contact information within 30 days as required by Section 112(r)(7) of the Act and 40 C.F.R. §68.195(b). Respondent failed to comply with 40 C.F.R. §195(b), in violation of Section 112(r)(7) of the Act.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, economic benefit, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$2835.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own attorney's fees and costs, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the violations listed above and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$2835.00** in payment of the full penalty amount to the following address:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The check should reference Respondent's name and a copy of this ESA must be included with the check.
This original ESA and a copy of the check must be sent by certified mail to:

Janice Witul (SFD-9-3)
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

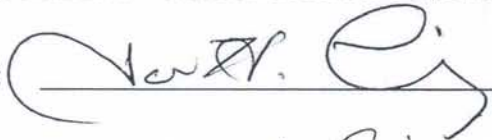
Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT – General Chemical Corporation

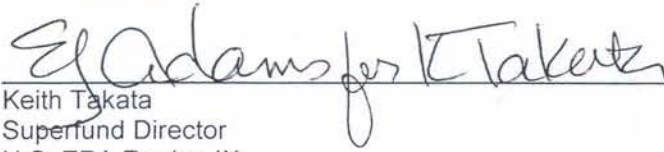
Signature: 

Date: 07/17/08

Name (print): JAMES H. CRAIG

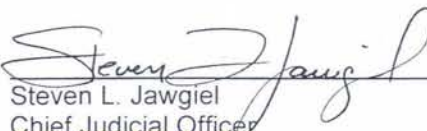
Title (print): DIRECTOR OF MANUFACTURING

FOR COMPLAINANT:


Keith Takata
Superfund Director
U.S. EPA Region IX

Date: 7/30/08

It is hereby ORDERED that this ESA be entered and Respondent pay the above penalty.


Steven L. Jawgiel
Chief Judicial Officer
U.S. EPA Region IX

Date: 07/31/08



Keep this receipt as a record of your purchase.

FOR YOUR PROTECTION SAVE THIS COPY
CASHIER'S CHECK

Customer Copy

9851100184

07/17/2008

New Jersey

Remitter GENERAL CHEMICAL

\$ *****2,835.00 ***

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Order Of

TREASURER, UNITED STATES OF AMERICA

Drawer: JPMORGAN CHASE BANK, N.A.

NON NEGOTIABLE

TERMS

KEEP THIS COPY FOR YOUR RECORD OF THE TRANSACTION.
PLEASE CONTACT CHASE TO REPORT A LOSS OR FOR ANY OTHER INFORMATION ABOUT THIS ITEM.

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HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

CASHIER'S CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



9851100184 ²⁵⁻³/₄₄₀

Date 07/17/2008

Remitter GENERAL CHEMICAL

Pay: TWO THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS AND 00 CENTS

\$ *****2,835.00 ***

Pay To The
Order Of

TREASURER, UNITED STATES OF AMERICA

Drawer: JPMORGAN CHASE BANK, N.A.

Michael Andrews

Senior Vice President
JPMorgan Chase Bank, N.A.
Columbus, OH



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CERTIFICATE OF SERVICE

Docket No. CAA-09-2008- *0030*

I hereby certify that the original copy of the foregoing Expedited Settlement Agreement, with the Docket number referenced above, has been filed with the Region 9 Hearing Clerk and that a copy was sent by certified mail, return receipt requested, to:

James Craig, Director of Manufacturing
General Chemical Corporation
501 Nichols Road
Pittsburg CA 94565

Aug 7, 2008
Date

Danielle E Carr

Danielle Carr
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105