UNITED STATES ENVIRONMENTAL PROTECTION AGENCY: WASHINGTON, D.C.



In re: BruggemannChemical; BruggemannChemical U.S., Inc. 18 Campus Blvd., Suite 100 Newtown Square, PA 19073 Respondent

Docket No. TSCA-HQ-2016-5014

FINAL ORDER

On August 18, 2016, the U.S. Environmental Protection Agency's ("EPA's") Office of Civil Enforcement, Waste and Chemical Enforcement Division, filed a complaint against BruggemannChemical; BruggemannChemical U.S., Inc. ("Bruggemann") alleging that Bruggemann had violated the chemical data reporting regulations promulgated pursuant to section 8(a) of Toxic Substances Control Act, 15 U.S.C. § 2607(a). Specifically, the Waste and Chemical Enforcement Division claimed that Bruggeman had failed to accurately report the weight of seven different chemical substances it imported. See 40 C.F.R. § 711.15(b)(3)(iii). The Complaint sought a penalty of \$109,599.

EPA's Consolidated Rules of Practice, codified at 40 C.F.R. part 22, govern this administrative enforcement proceeding. Pursuant to 40 C.F.R. § 22.18(a), a respondent may opt for a quick resolution of an enforcement proceeding at any time by paying the penalty proposed in the complaint. See 40 C.F.R. §§ 22.18(a)(1) and (2). The rules further provide that upon

payment in full of the penalty, in cases initiated at EPA Headquarters, the Environmental Appeals Board ("Board") must issue a final order. 40 C.F.R. § 22.18(a)(3).

On September 15, 2016, EPA's Office of Enforcement and Compliance Assurance notified the Board that EPA has received full payment of the penalty (\$109,599) from Bruggemann to resolve the above-captioned matter. Payment by Bruggemann constituted a waiver of Bruggeman's right to contest the allegations in the Complaint and to appeal this Final Order. See 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 22.18(a)(3), the above-captioned matter is hereby RESOLVED.

So ordered.1

Date: 09/27/16

ENVIRONMENTAL APPEALS BOARD

Aaron P Avila

Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Kathie A. Stein, and Mary Beth Ward.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing FINAL ORDER in the matter of BruggemannChemical; BruggemanChemical U.S., Inc., Docket No. TSCA-HQ-2016-5014, were sent to the following persons in the manner indicated:

By U.S. First Class Mail:

Mr. Edward McDade III President BruggemannChemical BruggemanChemical, U.S., Inc. 18 Campus Blvd., Suite 100 Newtown Square, PA 19073

By Pouch Mail:

Geraldine Gardner
Mail Code: 2249A
Waste and Chemical Enforcement Division
Office of Enforcement and Compliance
Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dated: SEP 2.7 2016

Annette Duncan Secretary