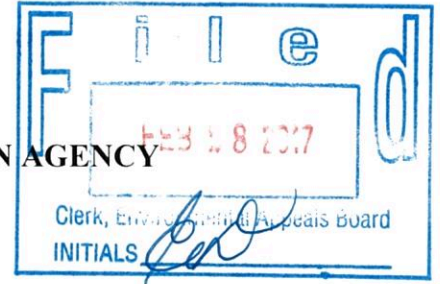


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



)
)
In re:)
JX Nippon Chemical Texas Inc.)
)
)

Docket No. TSCA- HQ-20175003

FINAL ORDER

On January 17, 2017, the U.S. Environmental Protection Agency’s Office of Civil Enforcement, Waste and Chemical Enforcement Division, filed a complaint against JX Nippon Chemical Texas Inc. (“JX Nippon”) alleging that JX Nippon had violated the chemical data reporting (“CDR”) regulations of section 8(a) of TSCA, 15 U.S.C. § 2607(a). The Complaint sought a penalty of \$350,000.

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).

The record demonstrates that on February 17, 2017, EPA received a cashier’s check for the full amount of the penalty (\$350,000) from JX Nippon to resolve the above-captioned matter. Payment by JX Nippon constitutes a waiver of JX Nippon’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

ENVIRONMENTAL APPEALS BOARD

Date: February 28, 2017

By: Kathie A. Stein
Kathie A. Stein
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 Kay Lynch.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Final Order* in the matter of JX Nippon Chemical Texas Inc., Docket No. TSCA-HQ-2017-5003 were sent to the following persons in the manner indicated:

**By First Class Certified Mail/
Return Receipt Requested:**

Mr. Dennis Cranfill
EHS Manager
JX Nippon Chemical Texas Inc.
10500 Bay Area Blvd.
Pasadena, TX 77507

By Interoffice Mail:

Mr. Mark Garvey
Attorney
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (Mail Code 2249A)
Washington, DC 20460

Dated: **FEB 28 2017**



Annette Duncan
Administrative Specialist