

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



_____)
In re:)
Shrieve Chemical Co.)
_____)

Docket No. TSCA-HQ-2016-5009

FINAL ORDER

On July 12, 2016, the U.S. Environmental Protection Agency (“EPA”) Office of Civil Enforcement, Waste and Chemical Enforcement Division, filed a complaint against Shrieve Chemical Company (“Shrieve”). The complaint alleged that Shrieve violated the chemical data reporting (“CDR”) regulations promulgated under section 8(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2607(a), and the premanufacture notice (“PMN”) requirements of TSCA section 5(a)(1)(A), 15 U.S.C. § 2604(a)(1)(A), specifically the polymer exemption requirement under section 5(h) of TSCA, 15 U.S.C. § 2604(h). The complaint sought a penalty of \$193,815.

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 id.* § 22.18(a)(1), (2). The rules further provide that for cases initiated at EPA Headquarters, upon payment in full of the penalty the Environmental Appeals Board (“Board”) must issue a final order. *See id.* § 22.18(a)(3).

On August 11, 2016, EPA’s Office of Enforcement and Compliance Assurance notified the Board that EPA received from Shrieve a copy of the instrument of payment for the full

amount of the penalty to resolve the above-captioned matter. Payment by Shrieve constitutes a waiver of Shrieve's right to contest the allegations in the complaint and to appeal this final order. *See id.* § 22.18(a)(3). In accordance with 40 C.F.R. § 22.18(a)(3), the above-captioned matter is hereby RESOLVED.

So ordered.

ENVIRONMENTAL APPEALS BOARD¹

Dated: August 23, 2014



Mary Kay Lynch
Environmental Appeals Judge

¹ The three-member panel ratifying this matter is composed of Environmental Appeals Judges Mary Kay Lynch, Kathie A. Stein, and Mary Beth Ward.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing "Final Order" in the matter of Shrieve Chemical Co., Docket No. TSCA-HQ-2016-5009, were filed and copies of the same were sent to the following persons in the manner indicated:

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

Liz Dixon
Vice President of Operations
Shrieve Chemical Co.
1755 Woodstead Court
The Woodlands, TX 77380

By Interoffice Mail:

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

Dated: AUG 23 2016



Annette Duncan
Secretary